

bond in the sum of \$5,000, conditioned in part that it should not be sold or disposed of until relabeled to conform to the requirements of the Federal food and drugs act.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**17022. Adulteration of canned tuna. U. S. v. 5 Cases, et al., of Canned Tuna. Consent decree of condemnation and forfeiture. Product released under bond.** (F & D. Nos. 24416, 24417, 24421. I. S. Nos. 019297, 019299, 019300, 019402. S. Nos. 2667, 2675, 2680.)

On January 7, 1930, the United States attorney for the Western District of Washington, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district three libels praying seizure and condemnation of 5 cases, and 700 cases, respectively, of canned tuna (the last libel subsequently amended to cover 68 cases actually seized), alleging that the article had been shipped by the Van Camp Sea Food Co., from San Diego, Calif., on or about November 24, 1929, and transported from the State of California into the State of Washington, and charging adulteration in violation of the food and drugs act. The article was labeled, in part, variously: (Cans) "White Star Brand," "White Star Brand California Fancy Tuna Fish," "White Star Brand Tuna Fish Packed and Guaranteed by White Star Canning Co., Los Angeles \* \* \* Calif."

It was alleged in the libels that the article was adulterated in that it consisted in whole or in part of a decomposed animal substance.

On February 13, 1930, Ariss, Watson & Gault, Seattle, Wash., claimant, having admitted the allegations of the libels and having consented to the entry of a decree, and the cases having been consolidated into one cause of action, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned in part that it be reconditioned under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**17023. Adulteration and misbranding of cheese. U. S. v. 15 Boxes of Cheese. Consent decree of condemnation and forfeiture. Product released under bond.** (F. & D. No. 24305. I. S. No. 025956. S. No. 2558.)

On or about December 12, 1929, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 15 boxes of cheese at Chicago, Ill., alleging that the article had been shipped by Wuethrich Bros., Beaver Dam, Wis., November 6, 1929, and transported from the State of Wisconsin into the State of Illinois, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Wisconsin No. 1 1641," and was invoiced "15 boxes Colby Twins Cheese."

It was alleged in the libel that the article was adulterated in that it had been sold and shipped as "Wisconsin No. 1" and "Colby Cheese," whereas excessive moisture had been substituted in part for whole milk cheese; and in that excessive moisture had been mixed and packed with the said article so as to reduce and lower and injuriously affect its quality and strength.

Misbranding was alleged for the reason that the statements on the label, "Wisconsin No. 1," and "Colby Cheese," implying whole milk cheese, were false and misleading and deceived and misled the purchaser.

On February 15, 1930, Alfred Wuethrich and Fred Wuethrich, trading as Wuethrich Bros., Beaver Dam, Wis., claimants, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimants upon payment of costs and execution of a bond in the sum of \$1,000, conditioned in part that it be remanufactured under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**17024. Adulteration and misbranding of butter. U. S. v. Darter Butter Co. Plea of guilty. Fine, \$100 and costs.** (F. & D. No. 22565. I. S. Nos. 20002, 20018, 20019.)

On August 8, 1928, the United States attorney for the Western District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Darter Butter Co., a corporation, Bristol, Va., alleging shipment by said com-

pany, in violation of the food and drugs act as amended, on or about July 10, and July 14, 1927, from the State of Virginia into the State of Pennsylvania, of quantities of butter which was adulterated and misbranded. A portion of the article was contained in tubs which bore no statement of the quantity of the contents. The remainder of the said article was contained in packages labeled in part: "Swan Butter Pasteurized One Pound Net When Packed Darter Butter Company Bristol, Va. Tenn."

It was alleged in the information that the article was adulterated in that a product which contained less than 80 per cent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 per cent by weight of milk fat, as prescribed by the act of Congress of March 4, 1923, which the said article purported to be.

Misbranding of the tub butter was alleged for the reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package. Misbranding of the package butter was alleged for the reason that the statement "Butter," borne on the label, was false and misleading in that the said statement represented that the article was butter, a product which should contain not less than 80 per cent by weight of milk fat, as prescribed by law, whereas the said article did not contain 80 per cent by weight of milk fat, but did contain a less amount.

On November 11, 1929, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100 and costs.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**17025. Adulteration of pecans. U. S. v. 216 Sacks of Pecans. Consent decree of condemnation and forfeiture. Product released under bond.** (F. & D. No. 24354. I. S. Nos. 026700, 026705, 026720. S. No. 2568.)

On or about December 23, 1929, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 216 sacks of pecans, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by C. F. Hutches, from Kerrville, Tex., January 14, 1928 (on or about December 11, 1928), and transported from the State of Texas into the State of Illinois, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy, putrid, and decomposed vegetable substance.

On January 3, 1930, C. A. Ccari, president of D. Calamari Co., Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant to be reconditioned under the supervision of this department, upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned in part that it should not be sold or otherwise disposed of contrary to law.

ARTHUR M. HYDE, *Secretary of Agriculture.*