

adulteration in violation of the food and drugs act. The article was labeled in part: "United Quality Brand Tomato Puree * * * Packed by United Canneries Corporation, Newark, Delaware."

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

On June 13, 1930, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17488. Misbranding of canned red raspberries and canned strawberries. U. S. v. W. N. Clark Co. Plea of guilty. Fine, \$25. (F. & D. No. 23733. I. S. Nos. 02544, 02545, 05710.)

Samples of the canned red raspberries and strawberries from the herein-described interstate shipment having been found to be short weight, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of New York.

On June 24, 1929, the United States attorney filed in the District Court of the United States aforesaid an information against the W. N. Clark Co., a corporation, Rochester, N. Y., alleging shipment by said company in violation of the food and drugs act as amended, on or about August 1, 1928, and August 15, 1928, from the State of New York into the States of New Hampshire and Massachusetts, respectively, of quantities of canned red raspberries, and on or about August 15, 1928, from the State of New York into the State of Massachusetts of a quantity of canned strawberries, which products were misbranded. The articles were labeled in part: (Cans) "Dieta Brand Columbian Red Raspberries [or "Dieta Brand Strawberries"] Exclusively Prepared by W. N. Clark Co., Rochester, N. Y.; Contents 1 lb. 5 oz.," and "Harmony Brand Columbian Red Raspberries Packed By Holcomb Preserving Co., Inc. Holcomb, N. Y.; Contents 1 lb. 5 oz."

It was alleged in the information that the articles were misbranded in that the statement "Contents 1 lb. 5 oz.," borne on the can labels, was false and misleading; and for the further reason that the articles were labeled as aforesaid so as to deceive and mislead the purchaser since each of said cans did not contain 1 pound 5 ounces of the articles, but did contain a less amount. Misbranding was alleged for the further reason that the articles were food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On May 29, 1930, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17489. Adulteration and misbranding of tankage. U. S. v. 500 Bags, et al., of Tankage. Consent decrees of condemnation entered. Product released under bond. (F. & D. Nos. 23851, 23855. I. S. Nos. 012986, 012987, 012988, 012989. S. Nos. 1314, 1335.)

Samples of a feed product known as feeding tankage or 60 per cent tankage from the herein-described interstate shipments having been found to contain foreign matter, namely, glass and sand, and in portions also coffee grounds and carbonates, the facts were reported to the United States attorney for the District of Kansas by an official of the Kansas State Board of Agriculture.

On or about November 13, and November 19, 1928, respectively, the United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 2,200 sacks of tankage, remaining in the original unbroken packages at Kansas City, Kans., alleging that the article had been shipped by the Bi-Products Feed Co., of Union Stockyards, Chicago, Ill., in part from Chicago, Ill., and in part from Cedar Rapids, Iowa, in various consignments on or about October 16, October 26, October 30, and November 8, 1928, respectively, and had been transported from the States of Illinois and Iowa, respectively, into the State of Kansas, and charging adulteration and misbranding in violation of the food and drugs act as amended.

It was alleged in the libels that the article was adulterated in that foreign matter containing glass, sand, coffee grounds, and carbonates in portions thereof, and glass and sand in the remainder, had been mixed and packed with and substituted in part for the said article.

Misbranding was alleged for the reason that the sacks bore no label showing the net weight of the said product.

The Nutrena Feed Mills (Inc.), Kansas City, Kans., appeared as claimant for 600 sacks of the product. Claim was interposed for 600 sacks of the product by Lawrence Trickett, Kansas City, Kans., as receiver appointed by the court in an action in the State courts involving the said 600 sacks. On November 23, 1928, and December 24, 1928, respectively, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the said 1,200 sacks be released to the respective claimants upon payment of costs and the execution of bonds totaling \$1,000, conditioned in part that it be relabeled to show the true contents.

On May 16, 1930, the Packers Product Co., Cedar Rapids, Iowa, having appeared as claimant for the remaining 1,000 sacks of the article, judgments were entered finding the said portion adulterated and ordering its condemnation, and it was further ordered by the court that the said 1,000 sacks of the product be released to the Packers Product Co., upon payment of costs and the execution of bonds totaling \$2,000, conditioned in part that it be relabeled to show the true contents.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17490. Adulteration of canned cherries. U. S. v. Frederick B. Huxley and Phillip F. Huxley (F. B. Huxley & Son). Pleas of guilty. Fines, \$100. (F. & D. No. 23737. I. S. Nos. 03141, 03143, 03144.)

Samples of the canned cherries from the herein-described interstate shipments having been found to contain worms and decayed cherries, the Secretary of Agriculture reported the facts to the United States attorney for the Western District of New York.

On June 24, 1929, the said United States attorney filed in the District Court of the United States aforesaid an information against Frederick B. Huxley and Phillip F. Huxley, copartners trading as F. B. Huxley & Son, Ontario, N. Y., alleging shipment by said defendants, in violation of the food and drugs act, from the State of New York into the State of Pennsylvania, on or about July 18, July 20, July 26, and July 31, 1928, respectively, of quantities of canned cherries which were adulterated. The article was labeled in part: (Cans) "Huxson Brand Pitted Red Sour Cherries * * * Packed by F. B. Huxley & Son, Ontario, N. Y."

It was alleged in the information that the article was adulterated in that it consisted in part of filthy, decomposed, and putrid animal and vegetable substances.

On June 4, 1930, the defendants entered pleas of guilty to the information, and the court imposed fines totaling \$100.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17491. Misbranding of table sirup. U. S. v. Four 5-Gallon Cans of Table Sirup. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 24589. I. S. No. 022543. S. No. 2907.)

Samples of the table sirup from the herein-described shipment having been found to have the color and flavor of maple sirup, the Secretary of Agriculture reported the matter to the United States attorney for the District of South Dakota.

On March 5, 1930, the United States attorney filed in the District Court of the United States for the said district a libel praying seizure and condemnation of four 5-gallon cans of table sirup, remaining in the original unbroken packages at Deadwood, S. Dak., alleging that the article had been shipped by the Early Coffee Co., Denver, Colo., on or about February 5, 1930, and had been transported from the State of Colorado into the State of South Dakota, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "Early's Blue Label Table Syrup * * * contents corn sirup with cane sugar imitation maple flavored * * * manufactured by the Early Coffee Co., Denver, Colo."

It was alleged in the libel that the article was misbranded in that it was an imitation of another article.

On May 22, 1930, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*