

the court that the product be delivered to the said claimant upon payment of costs and the execution of a bond in the sum of \$1,291, conditioned in part that it be used for moth bait.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17686. Adulteration of canned sardines. U. S. v. 1000 Cases, et al., of Canned Sardines. Default decree of destruction entered. (F. & D. Nos. 24258, 24322. I. S. Nos. 016822, 021663. S. Nos. 2491, 2570.)

Samples of canned sardines from the herein described interstate shipments having been found to contain decomposed fish, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of Georgia.

On November 16 and December 18, 1929, respectively, the said United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 1,068 cases of canned sardines, remaining in the original unbroken packages, in part at Savannah, Ga., and in part at Dublin, Ga., alleging that the article had been shipped by the Gurnet Fisheries Co., in two consignments, from Boston, Mass., and Plymouth, Mass., respectively, between the approximate dates of September 25 and October 3, 1929, and had been transported from the State of Massachusetts into the State of Georgia, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Gurnet Brand American Sardines * * * Packed by The Gurnet Fisheries Co., Plymouth, Mass."

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

On September 15, 1930, no claimant having appeared for the property, judgments were entered ordering that the product be destroyed by the United States marshal, and that the Gurnet Fisheries Co., Plymouth, Mass., pay all costs.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17687. Adulteration and misbranding of butter. U. S. v. 5 Cases of Butter. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 24985. I. S. No. 027443. S. No. 3221.)

Samples of butter from the herein described interstate shipment having been found to contain less than the legal requirement of milk fat, namely, less than 80 per cent of milk fat, the Secretary of Agriculture reported the matter to the United States attorney for the District of Massachusetts.

On June 23, 1930, the said United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 5 cases of butter, remaining in the original unbroken packages at Boston, Mass., consigned about June 11, 1930, alleging that the article had been shipped by the Gulf Road Cooperative Creamery Co., East Randolph, Vt., and had been transported from the State of Vermont into the State of Massachusetts, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Carton) "Fancy Creamery Butter * * * Packed for S. S. Pierce Co."

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

Misbranding was alleged for the reason that the article was labeled as butter, which was false and misleading, since it contained less than 80 per cent of milk fat.

On August 25, 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.*

17688. Adulteration of canned salmon. U. S. v. 5424 Cartons, et al., of Salmon. Decree of condemnation. Product released under bond. (F. & D. No. 25139. I. S. Nos. 1176, 1177. S. No. 3391.)

Samples of canned salmon from the herein described interstate shipment having been found to contain decomposed fish, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Washington.

On September 15, 1930, the said United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 5,575 cartons, each containing 48 cans of salmon, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the Wrangell Narrows Packing Co., from Doyhof, Alaska, in various consignments, on or about August 11 and August 16, 1930, and had been transported from Alaska into the State of Washington, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Carton) "Eat More Salmon."

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

On September 30, 1930, the West Sales (Inc.), Seattle, Wash., having appeared as claimant for the property and having admitted the allegation of the libel, paid costs and filed a bond in the sum of \$5,000, conditioned that the product should not be sold contrary to law, judgment of condemnation was entered, and it was ordered by the court that the product be released to the said claimant and reconditioned under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17689. Misbranding of vegetable oil. U. S. v. 45 Cases (Cans) of Vegetable Oil. Default decree of condemnation and forfeiture. Product ordered destroyed or delivered to charitable institutions. (F. & D. No. 24980. I. S. No. 962. S. No. 3330.)

Samples of vegetable oil, alleged to be flavored with olive oil, from the herein described interstate shipment having been found to contain no flavor of olive oil, and certain cans having been found to contain less than the declared volume, the Secretary of Agriculture reported the matter to the United States attorney for the District of Oregon.

On August 11, 1930, the said United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 45 cases (cans) of vegetable oil, remaining in the original unbroken packages at Portland, Oreg., alleging that the article had been shipped by Monteverde, Rolandelli and Parodi (Inc.), from San Francisco, Calif., on or about May 22, 1930, and had been transported from the State of California into the State of Oregon, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Cans) "Net Contents One Gallon Pure Vegetable Oil Flavored with Olive Oil * * * Montola Superfine Full Measure. This oil is packed and guaranteed by Monteverde, Rolandelli and Parodi, Inc., San Francisco, California."

It was alleged in the libel that the article was misbranded in that the statements, "Flavored with Olive Oil," "Full Measure," and "Net Contents One Gallon," borne on the can labels, were false and misleading and deceived and misled the purchaser when applied to an article which had no flavor of olive oil, and which was short of the declared volume. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was not correct.

On September 8, 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 or distributed to some hospital or charitable institution.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17690. Adulteration and misbranding of butter. U. S. v. 76 Tubs of Butter. Product ordered released under bond to be reworked. (F. & D. No. 25286. I. S. No. 035013. S. No. 3358.)

Samples of butter from the herein described interstate shipment having been found to contain less than the legal requirements of milk fat, the Secretary of Agriculture reported the matter to the United States attorney for the District of Minnesota.

On July 2, 1930, the said United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 76 tubs of butter, remaining in the original unbroken packages at Minneapolis, Minn., alleging that the article had been shipped by the Producers Creamery Co., from Clinton, Mo., on June 20, 1930, and had been transported from the State of Missouri into the State of Minnesota, and charging adulteration and misbranding in violation of the food and drugs act.