

17709. Misbranding of pears. U. S. v. Clayton A. Bullock. Plea of guilty. Fine, \$25. (F. & D. No. 25022. I. S. No. 026851.)

Examination of samples of pears from the herein described interstate shipment having shown that a large proportion consisted of wormy and low-grade fruit, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Washington.

On June 25, 1930, the said United States attorney filed in the District Court of the United States for the district aforesaid an information against Clayton A. Bullock, Yakima, Wash., alleging shipment by said defendant, in violation of the food and drugs act, on or about December 16, 1929, from the State of Washington into the State of Wisconsin, of quantities of pears which were misbranded. The article was labeled in part: "Winter Nellis Fancy Northwest Pears."

It was alleged in the information that the article was misbranded in that the statement, to wit, "Fancy Pears," borne on the boxes containing the said article, was false and misleading in that the said statement represented that the article consisted wholly of fancy pears, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it consisted wholly of fancy pears, whereas it did not, but did consist in large part of wormy, badly scarred, cut, dirty, bruised, and misshapen pears.

On October 8, 1930, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$25.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17710. Adulteration and misbranding of butter. U. S. v. 5 Tubs of Butter. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 25283. I. S. No. 13414. S. No. 3514.)

Samples of butter from the herein described interstate shipment having been found deficient in milk fat, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Pennsylvania.

On October 17, 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 tubs of butter, remaining in the original unbroken packages at Philadelphia, Pa., consigned by the Almena Creamery, Almena, Wis., alleging that the article had been shipped from Almena, Wis., on or about October 14, 1930, and had been transported from the State of Wisconsin into the State of Pennsylvania, and charging adulteration and misbranding in violation of the food and drugs act.

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, a product which should contain not less than 80 per cent of milk fat as provided by the act of Congress of March 4, 1923.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article.

On October 29, 1930, the Almena Creamery, Almena, Wis., having appeared as claimant for the property, 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 \$200, conditioned in part that it should not be sold or otherwise disposed of contrary to law, and that it be reconditioned under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17711. Adulteration of oysters. U. S. v. Robert W. Howeth and Charles W. Howeth, jr. (Chas. W. Howeth & Bro.). Plea of guilty. Fine, \$50 and costs. (F. & D. No. 25036. I. S. Nos. 015219, 015220.)

Samples of oysters from the herein described interstate shipments having been found to contain excessive water, the Secretary of Agriculture reported the matter to the United States attorney for the District of Maryland.

On September 29, 1930, the said United States attorney filed in the District Court of the United States for the district aforesaid an information against Robert W. Howeth and Charles W. Howeth, jr., copartners, trading as Chas. W. Howeth & Bro., Crisfield, Md., alleging shipment by said defendants, in violation of the food and drugs act, on or about December 18, 1929, from the State of Maryland into the State of Pennsylvania, of quantities of oysters which were adulterated.

It was alleged in the information that the article was adulterated in that an added substance, to wit, excessive water, had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted in part for the said article.

On November 7, 1930, a plea of guilty to the information was entered by a representative of the defendant company, and the court imposed a fine of \$50 and costs.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17712. Adulteration of canned sardines. U. S. v. 300 Cases, et al., of Sardines. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 25159, 25160, 25161, 25162. I. S. Nos. 963, 964, 965, 966. S. No. 3425.)

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

On September 22, 1930, the said United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 571 cases, each containing 100 cans of sardines, remaining in the original unbroken packages at Portland, Oreg., alleging that the article had been shipped by the Brawn Co., from Portland, Me., in part on or about May 19, 1930, and in part on or about June 3, 1930, and had been transported from the State of Maine into the State of Oregon, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Casco Brand American Sardines * * * The Brawn Company, Portland, Maine."

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 and was the product of a diseased fish.

On November 7, 1930, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17713. Misbranding of hominy feed. U. S. v. 400 Sacks of Hominy Feed. Consent decree of condemnation. Product released under bond. (F. & D. No. 25445. I. S. No. 18306. S. No. 3436.)

Examination of the herein described interstate shipment of hominy feed having shown that the sacks bore no statement of the net weight of the contents, the matter was reported to the United States attorney for the District of Kansas by an official of the State of Kansas, acting under authority of the Secretary of Agriculture.

On or about September 6, 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 400 sacks of hominy feed, remaining in the original unbroken packages at Garnett, Kans., alleging that the article had been shipped by the Feeders Supply & Manufacturing Co., from Kansas City, Mo., on or about August 28, 1930, and had been transported from the State of Missouri into the State of Kansas, and charging misbranding in violation of the food and drugs act as amended.

It was alleged in the libel that the article was misbranded in 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.

On September 16, 1930, the Quaker Oats Co., St. Joe, Mo., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation 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 \$500, conditioned in part that it be labeled to show the true quantity of the contents.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17714. Adulteration and misbranding of butter. U. S. v. 1 Tub of Butter. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 25276. I. S. No. 5209. S. No. 3515.)

Samples of butter from the herein described interstate shipment having been found below the standard provided by Congress, namely, containing less than 80 per cent of milk fat, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Pennsylvania.