

**17731. Adulteration of canned tomatoes. U. S. v. 92 Cases, et al., of Canned Tomatoes. Consent decree of condemnation and forfeiture. Product released under bond for salvaging. (F. & D. Nos. 24611, 24696, I. S. Nos. 027651, 029011. S. Nos. 2964, 3026.)**

Samples of canned tomatoes from the herein described interstate shipments having been found decomposed, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of New York.

On March 12 and April 2, 1930, 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 116 cases of canned tomatoes, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Fairdale Canning Co., from Bridgeton, N. J., on or about February 10, 1930, and had been transported from the State of New Jersey into the State of New York, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Park & Tilford \* \* \* Tomatoes \* \* \* Park & Tilford Distributors New York."

It was alleged in the libels that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance, in that an examination of samples showed decomposition.

On October 1, 1930, the two libels having been consolidated into one cause of action and the Fairdale Canning Co., Bridgeton, N. J., 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 upon payment of costs and the execution of a bond in the sum of \$400, conditioned in part that it be held for a period in storage for examination by a representative of this department, and the bad portion, or all, if in the opinion of this department such action be warranted, destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**17732. Misbranding of cottonseed cake. U. S. v. 40 Sacks of Cottonseed Cake. Default decree of condemnation, forfeiture, and sale or destruction. (F. & D. No. 24576. I. S. No. 037484. S. No. 2900.)**

Samples of cottonseed cake from the herein described interstate shipment having been found to contain less protein than declared on the label, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of Iowa.

On February 28, 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 40 sacks of cottonseed cake at Council Bluffs, Iowa, alleging that the article had been shipped by the Cairo Meal & Cake Co., Cairo, Ill., on or about February 9, 1930, and had been transported from the State of Illinois into the State of Iowa, and charging misbranding in violation of the food and drugs act. The article was labeled in part: (Tag) "Miss Cairo Brand Prime Quality Guaranteed Analysis 43 per cent crude Protein not less than 43 per cent."

It was alleged in the libel that the article was misbranded in that the statements on the label, "43 per cent," and "Crude Protein not less than 43 per cent," were false and misleading and deceived and misled the purchaser when applied to a product containing a less amount of protein.

On October 2, 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 sold by the United States marshal, if such sale could be effected, upon notifying purchaser of the true protein content, otherwise that it be destroyed.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**17733. Adulteration of oysters. U. S. v. John T. Handy Co. (Inc.). Plea of guilty. Fine, \$30 and costs. (F. & D. No. 25035. I. S. Nos. 024400, 025684, 012277.)**

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 November 6, 1930, the said United States attorney filed in the District Court of the United States for the district aforesaid an information against John T. Handy Co. (Inc.), Crisfield, Md., alleging shipment by said company in violation of the food and drugs act in various consignments on or about November 13, 1929, from the State of Maryland into the State of Pennsylvania,

and on or about December 17, 1929, from the State of Maryland into the States of Pennsylvania and Indiana, of quantities of oysters which were adulterated.

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

On November 6, 1930, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$30 and costs.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**17734. Adulteration of canned salmon. U. S. v. 49 Cases of Salmon. Default decree of condemnation and forfeiture. Product ordered destroyed or delivered to fish hatcheries. (F. & D. No. 25199. I. S. No. 1099. S. No. 3477.)**

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

On October 10, 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 49 cases of canned salmon, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the Hetta Packing Co., from Copper Mount, Alaska, on or about September 14, 1930, and had been transported from Alaska into the State of Washington, 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 whole or in part of a decomposed animal substance.

On November 24, 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 or delivered to the State Fisheries Department for use in the hatcheries as fish food.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**17735. Misbranding and alleged adulteration of vinegar. U. S. v. 23 Cases of Vinegar. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 22656. I. S. No. 23576-x. S. No. 688.)**

Samples of bottled vinegar from the herein described interstate shipment having been found short of the declared volume and below the declared acid strength, the Secretary of Agriculture reported the matter to the United States attorney for the District of Minnesota.

On March 30, 1928, 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 23 cases of vinegar, remaining in the original unbroken packages at Mankato, Minn., alleging that the article had been shipped by the Robb-Ross Co., from Sioux City, Iowa, on or about January 16, 1928, and had been transported from the State of Iowa into the State of Minnesota, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Contents 1 Quart Tropical Brand Pure Apple Cider Vinegar. Reduced to 4.5 per cent Acidity. Packed by Robb-Ross Co., Sioux City, Iowa."

It was alleged in the libel that the article was adulterated in that vinegar made of dried apples and deficient in acid and containing an excessive quantity of water had been mixed and packed with the said article so as to lower and reduce and injuriously affect its quality and strength, and had been substituted wholly or in part for pure apple cider vinegar.

Misbranding was alleged for the reason that the statements on the label, "Pure Apple Cider Vinegar. Reduced to 4.5 per cent Acidity. Contents one quart," were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article, and for the further 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.

On November 20, 1928, the Tolerton & Warfield Co., having appeared as claimant for the property and having consented to the entry of a decree, judgment was entered finding the product misbranded as to the acid contents of the