

On December 16, 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.*

17881. Adulteration of dried dates. U. S. v. 27 Cases of Dried Dates, Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25352. I. S. No. 11376. S. No. 3619.)

Samples of dates from the herein-described shipment having been found to be weevil-infested, the Secretary of Agriculture reported the matter to the United States attorney for the District of Colorado.

On November 22, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 27 cases, each containing seventy-two 8-ounce packages of dried dates, remaining in the original unbroken packages at Denver, Colo., consigned by the Acme Fruit Packing Co., New York, N. Y., alleging that the article had been shipped from New York, N. Y., on or about October 18, 1930, and transported from the State of New York into the State of Colorado, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Package) "Cavaller Brand Superior Quality * * * Acme Fruit Packing Co., Inc., N. Y."

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

On January 31, 1931, 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.*

17882. Adulteration and misbranding of frozen whole eggs and frozen egg yolks. U. S. v. 137 Cans of Frozen Eggs (Whole Eggs), et al. Product released under bond to be relabeled. (F. & D. Nos. 25512, 25513. I. S. Nos. 15503, 15504, 15507, 15508, 15509. S. Nos. 3791, 3797.)

Samples of frozen whole eggs and egg yolks from the herein-described shipments having been found to contain added sugar, the Secretary of Agriculture reported the matter to the United States attorney for the District of New Jersey.

On December 20, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 412 cans of frozen whole eggs, and 126 cans of frozen egg yolks, remaining in the original unbroken packages in part at Newark, N. J., and in part at Jersey City, N. J., alleging that the article had been shipped by the Land O' Lakes Creameries (Inc.), a portion from Minnesota Transfer, Minn., on or about June 2, and September 27, 1930, and a portion from Buffalo, N. Y., on or about June 13, 1930, and had been transported from the States of Minnesota and New York into the State of New Jersey, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Land O'Lakes Frozen Eggs. Land O'Lakes Creameries, Inc., Minneapolis, Minn. * * * Guaranteed to comply with All Pure Food Laws. * * * Whole Eggs [or "Yolks"]."

It was alleged in the libels that the article was adulterated in that a substance, sugar, had been mixed and packed with it so as to reduce, lower, or injuriously affect its quality or strength, and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the following statements appearing on the label, "Frozen Eggs * * * These Eggs * * * Guaranteed to Comply with all Pure Food Laws," "Whole Eggs," and "Yolks," were false and misleading and deceived and misled the purchaser, when applied to an article containing added sugar. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article.

On January 27, 1931, the Land O'Lakes Creameries (Inc.), Minneapolis, Minn., claimant, having admitted the allegations of the libels and having consented that decrees of condemnation and forfeiture might be entered, judgments were entered ordering that the product be released to the said claimant upon payment of costs and the execution of bonds totaling \$3,800, conditioned

in part that it be relabeled so that it comply with the Federal food and drugs act. The decrees further ordered that the entire lot or such portions as should not be passed by this department as correctly relabeled within the meaning of the food and drugs act be condemned and destroyed.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17883. Misbranding of shipstuff with screenings. U. S. v. 38 Bags of Shipstuff with Screenings. Default decree of forfeiture and destruction. (F. & D. No. 25327. I. S. No. 3978. S. No. 3591.)

Samples of shipstuff with screenings from the herein-described shipment having been found to contain less crude protein and crude fat than declared on the label, the Secretary of Agriculture reported the matter to the United States attorneys for the Eastern District of North Carolina.

On November 19, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 38 bags of shipstuff with screenings, remaining in the original packages at Zebulon, N. C., consigned by the Shenandoah Milling Co. (Inc.), Shenandoah, Va., alleging that the article had been shipped from Shenandoah, Va., on or about September 26, 1930, and transported from the State of Virginia into the State of North Carolina, and charging misbranding in violation of the food and drugs act. The article was labeled in part: (Tag) "Shipstuff with Screenings Not Exceeding Mill Run Crude Protein 16.00 per ct. Crude Fat 4.00 per ct. * * * Manufactured Shenandoah Milling Company, Inc., Shenandoah, Virginia."

It was alleged in the libel that the article was misbranded in that the statements on the labeling, "Crude Protein 16.00 per ct., Crude Fat 4.00 per ct.," were false and misleading and deceived and misled the purchaser.

On January 5, 1931, no claimant having appeared for the property, judgment of 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.*

17884. Adulteration and misbranding of canned tuna fish. U. S. v. 252 Cases of Tuna Fish. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 25371, 25372. I. S. Nos. 5213, 5214. S. No. 3642.)

Samples of alleged canned tuna from the herein-described shipment having been found to consist of bonita, a fish of lower quality than tuna, or of a mixture of tuna and bonita, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Pennsylvania.

On November 24, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 252 cases of tuna fish, remaining in the original unbroken packages at Philadelphia, Pa., consigned by Cohn-Hopkins, (Inc.), San Diego, Calif., alleging that the article had been shipped from San Diego, Calif., on or about August 15, 1930, and transported from the State of California into the State of Pennsylvania, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Cans) "Sun Harbor Brand Tuna Packed by Cohn-Hopkins Inc., Quality Packers, San Diego California."

It was alleged in the libel that the article was adulterated in that it contained bonita, a fish of lower quality than tuna fish, which the article purported to be.

Misbranding was alleged for the reason that the statement on the label, "Sun Harbor Brand California Tuna * * * Packed by Cohn-Hopkins, Inc.," was false and misleading and deceived and misled the purchaser, when applied to an article containing bonita, or a mixture of bonita and tuna.

On January 7, 1931, Cohn-Hopkins (Inc.), San Diego, Calif., 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 \$4,250, conditioned in part that it be relabeled under the supervision of this department, and should not be sold or otherwise disposed of contrary to law.

ARTHUR M. HYDE, *Secretary of Agriculture.*