

18819. Adulteration of dressed poultry. U. S. v. 40 Barrels of Dressed Poultry. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 26809. I. S. No. 25199. S. No. 4968.)

Samples of dressed poultry from the shipment herein described having been found to be tubercular and decomposed, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Illinois.

On or about July 31, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid, a libel praying seizure and condemnation of 40 barrels of dressed poultry at Chicago, Ill., alleging that the article had been shipped by Levine Bros. from Duluth, Minn., July 17, 1931, and had been transported from the State of Minnesota into the State of Illinois, 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 part of a filthy, decomposed, and putrid animal substance, and in that it was the product of diseased animals.

On August 26, 1931, Harry Berg & Co., Chicago, Ill., 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 \$1,000, conditioned that it should not be sold or otherwise disposed of contrary to the Federal food and drugs act and other existing laws, and further conditioned that it be sorted under the supervision of this department and the portion found unfit for food destroyed.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18820. Adulteration and misbranding of canned minced clams. U. S. v. 50 Cases, et al., of Minced Clams. Consent decrees of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 26710, 26724. I. S. Nos. 22817, 22823, 22851, 22853. S. Nos. 4853, 4869.)

Samples of canned minced clams from the shipments herein described having been found to contain excessive brine, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of California.

On June 26 and July 1, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 756 cases, each containing 48 cans of minced clams, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by Wiegardt Bros., from Ocean Park, Wash., in part on or about May 20, 1931, and in part on or about June 5, 1931, and had been transported from the State of Washington into the State of California, and charging adulteration and misbranding in violation of the food and drugs act.

A portion of the article was labeled in part: (Case) "48 Halves Jacobson Reimer Co. San Francisco;" (can) "Master Brand Minced Razor Clams Packed by Wiegardt Bros. Ocean Park, Washington. Contents 7 Oz." The remainder of the said article was labeled in part: (Case) "4 Doz. No. ½ S and W Minced Razor Clams Sussman Wormser & Co. Distributors San Francisco, Calif.;" (can) "S & W Minced Razor Clams Contents Weight 3½ oz. Clam meat metric equivalent 99 grams."

It was alleged in the libels that the article was adulterated in that excessive brine had been substituted in part for the said article.

Misbranding was alleged with respect to a portion of the article for the reason that the statement on the label, "Minced Razor Clams," was false and misleading and deceived and mislead the purchaser when applied to a product containing an excessive amount of brine; and for the further reason that the article was offered for sale under the distinctive name of another article. Misbranding was alleged with respect to the remainder of the article for the reason that the statements, "Minced Razor Clams" and "Contents weight 3½ oz. Clam meat metric equivalent 99 grams," were false and misleading and deceived and misled the purchaser when applied to an article containing excessive brine.

On August 5, 1931, Wiegardt Bros., Ocean Park, Wash., having appeared as claimant for the property and having consented to the entry of decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the deposit of cash bonds totaling \$500, conditioned in part that it should not be sold or otherwise disposed of contrary to the provisions of the Federal food and drugs act, or to the laws of any State, Territory, district, or insular possession.

ARTHUR M. HYDE, *Secretary of Agriculture.*