

18821. Adulteration and misbranding of canned clams. U. S. v. 51 Cases of Canned Clams. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 26714. I. S. No. 22818. S. No. 4856.)

Samples of canned clams from the shipment 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 29, 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 51 cases, each containing 48 cans of clams, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by the Guilford Packing Co., of Westport, Wash., from Portland, Oreg., on May 23 and May 26, 1931, and had been transported from the State of Oregon into the State of California, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Can) "Trupak Super Quality Whole Cleaned Razor Clams Net Contents 10 oz. Drained Meat 4½ oz. Haas Brothers Distributors San Francisco & Fresno, California."

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

Misbranding was alleged for the reason that the statements, "Clams" and "Drained Meat 4½ oz.," borne on the label, were false and misleading and deceived and mislead the purchaser when applied to an article containing an excessive amount of brine, and to clams whose drained weight was less than represented.

On August 7, 1931, the Guilford Packing Co., Westport, Wash., having appeared as claimant for the property 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 \$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 the laws of any State, Territory, district, or insular possession.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18822. Adulteration of canned tuna fish. U. S. v. 50 Cases of Tuna Fish. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26479. I. S. Nos. 33831, 33832. S. No. 4772.)

Samples of canned tuna fish from the shipment herein described having been found to be decomposed, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of New York.

On June 10, 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 50 cases, each containing 48 cans of tuna fish, remaining unsold in the original packages at Brooklyn, N. Y., alleging that the article had been shipped by the California Sea Food Co., from Los Angeles, Calif., on or about March (April) 28, 1931, and had been transported from the State of California into the State of New York, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Cans) "Caltuna Brand [or "Montecito Brand"] California Light Meat Tuna Salad Pieces * * * Guaranteed by California Sea Food Co., Los Angeles, Calif."

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

On July 16, 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.*

18823. Adulteration of celery. U. S. v. 77 Crates of Celery. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26524. I. S. No. 29918. S. No. 4845.)

Samples of celery from the shipment herein described, having been found to bear a large amount of arsenical spray residue, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Pennsylvania.

On June 22, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemna-

tion of 77 crates of celery, remaining in the original unbroken packages at Philadelphia, Pa., alleging that the article had been shipped by the Sanford Oviedo Truck Growers Association from Avon Park, Fla., on or about June 15, 1931, and had been transported from the State of Florida into the State of Pennsylvania, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Autograph Brand."

It was alleged in the libel that the article was adulterated in that it contained an added poisonous or deleterious ingredient, to wit, arsenic, which might have rendered it injurious to health.

On July 14, 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.*

18824. Adulteration of celery. U. S. v. 345 Crates of Celery. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26515. I. S. No. 30441. S. No. 4830.)

Samples of celery from the shipment herein described having been found to bear arsenical spray residue, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of New York.

On June 22, 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 345 crates of celery, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Sanford Oviedo Truck Growers Association, from Avon Park, Fla., on or about June 10, 1931, and had been transported from the State of Florida into the State of New York, 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 contained an added poisonous ingredient, arsenic, which might have rendered it injurious to health, an analysis of a sample having shown that it bore excessive amounts of arsenical spray residue, to wit, 23 parts per million on the leaves and 5.5 parts per million on the petioles, the arsenic being calculated as arsenic trioxide.

On July 9, 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.*

18825. Misbranding of canned grapefruit juice. U. S. v. 293 Cases of Canned Grapefruit Juice. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 26348. I. S. No. 28499. S. No. 4681.)

Samples of canned grapefruit juice from the shipment herein described having been found short of the declared volume, the Secretary of Agriculture reported the matter to the United States attorney for the District of Massachusetts.

On May 12, 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 293 cases of canned grapefruit juice, remaining in the original unbroken packages at Boston, Mass., alleging that the article had been shipped by the Dilpako Packing & Canning Co., from Clearwater, Fla., on or about December 22, 1930, and had been transported from the State of Florida into the State of Massachusetts, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Can label) "Dilpako Pure Grapefruit Juice Slightly Sweetened Contents 11 Oz. * * * Packed by Dilpako Packing & Canning Company, Inc., Clearwater, Fla."

It was alleged in the libel that the article was misbranded in that the statement on the label, "Contents 11 Oz.," was false and misleading and deceived and misled the purchaser; and 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, since the statement made was not correct.

On June 23, 1931, the Dilpako Packing & Canning Co., Clearwater, Fla., having appeared as claimant for the property and having admitted the allegations of the libel, 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 in part that it be relabeled under the supervision of this department and