

On December 15, 1931, the Florida Fruit Cannery (Inc.), 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 in part that it be relabeled "Contents 9½ Fl. Oz." and should not be disposed of except in compliance with the law, State and Federal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**19123. Adulteration of dressed poultry. U. S. v. 2 Barrels of Dressed Poultry (Chickens). Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 27263. I. S. No. 44088. S. No. 5442.)

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

On November 18, 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 two barrels of dressed poultry at Chicago, Ill., alleging that the article had been shipped on or about November 10, 1931, by the Weinberg Products Corporation, from Minneapolis, Minn., and had been transported in interstate commerce 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, putrid, and decomposed animal substance; adulteration was further alleged for the reason that the article was the product of diseased animals.

On January 11, 1932, 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.*

**19124. Adulteration of herring. U. S. v. 3 Boxes, et al., of Herring. Default decrees of condemnation, forfeiture, and destruction.** (F. & D. Nos. 27866, 27873. I. S. Nos. 44164, 50284. S. Nos. 5715, 5717.)

Samples of herring from the shipment herein described having been found to be infested with worms and unfit for food, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Illinois.

On December 14, 1931 and December 15, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of six boxes of herring at Chicago, Ill., alleging that the article had been shipped by T. R. Midbrod, from Beaver Bay, Minn., in part on or about December 8, 1931, and in part on or about December 11, 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 libels that the article was adulterated in that it consisted in part of a filthy, decomposed, and putrid animal substance. Adulteration was alleged for the further reason that the article consisted of a portion of an animal unfit for food.

On January 11, 1932, 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.*

**19125. Misbranding of canned sardines. U. S. v. 35 Cases, et al., of Canned Sardines. Decrees of condemnation and forfeiture. One case delivered to charitable institution. Remainder released under bond.** (F. & D. Nos. 27240, 27241, 27242. I. S. No. 30375. S. No. 5406.)

Examination of samples of canned sardines from the import shipment herein described, which arrived at the port of New York on October 14, 1931, having shown that the article was short weight, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of New York.

On November 16, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid three libels praying seizure and

condemnation of a total of 156 cases of canned sardines, alleging that the article had been shipped by Uniao Industrial Lda., from Portimao, Portugal, that it remained unsold in the original unbroken packages at New York, N. Y., and that it was misbranded in violation of the food and drugs act as amended. The article was labeled in part: (Tin) "Portuguese Skinless and Boneless Sardines in Olive Oil Titbit Brand Net Contents 8 Oz. Extra Quality \* \* \* Importe du Portugal Packed in Portugal."

It was alleged in the libels that the article was misbranded in that the statement "Net Contents 8 Oz." was false and misleading and deceived and misled the purchaser, since the tins contained less than 8 ounces. Misbranding was alleged for the further reason that the article 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 January 11, 1932, no claimant having appeared, judgment of condemnation and forfeiture was entered against one case of the product and it was ordered by the court that the said case be delivered to a charitable institution. On January 15, 1932, S. Isenberg (Inc.), having appeared as claimant for the remainder of the property, and having admitted the allegations of the libels and 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 execution of bonds totaling \$2,000, conditioned in part that it be relabeled under the supervision of this department with a plain and conspicuous statement of the weight as follows: "Net Weight 7½ Ozs."

ARTHUR M. HYDE, *Secretary of Agriculture.*

**19126. Misbranding of canned peas. U. S. v. 500 Cases of Canned Peas. Consent decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. No. 27246. I. S. No. 29275. S. No. 5417.)**

Examination of samples of canned peas from the shipment herein described having shown that the article fell below the standard promulgated by this department for canned peas, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of New York.

On November 16, 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 500 cases of canned peas, remaining in the original packages at Brooklyn, N. Y., alleging that the article had been shipped by the Kirby Canning Co., from Trappe, Md., on or about July 20, 1931, and had been transported from the State of Maryland into the State of New York, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Can) "Pride of the Farm Brand Sifted Early June Peas Thomas Roberts & Co. Philadelphia, Pa. U. S. A. Distributors."

It was alleged in the libel that the article was misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture for such canned food, since it contained an excessive percentage of hard peas, and its package or label did not bear a plain and conspicuous statement as prescribed indicating that it fell below such standard.

On December 23, 1931, Austin, Nichols & Co. (Inc.), 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 \$500, conditioned in part that it be relabeled under the supervision of this department and that it should not be sold or disposed of contrary to law, both State and Federal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**19127. Adulteration of herring. U. S. v. 8 Boxes of Herring. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27862. I. S. No. 44168. S. No. 5734.)**

Samples of herring from the shipment herein described having been found to be infested with worms and unfit for food, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Illinois.

On December 16, 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 eight boxes of herring at Chicago, Ill., alleging that the article