

the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 400 cases of tomato catsup, remaining in the original unbroken packages at St. Paul, Minn., alleging that the article had been shipped by the Wm. Craig Canning Co., from Ogden, Utah, on or about September 28, 1930, and had been transported from the State of Utah 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: (Can) "Royal Brand Tomato Catsup." Two statements of weight appeared on the label, the statement, "Contents 12 oz. Net," printed on the original label being over stamped by the words "Contents 6 lbs. 6 oz." This latter statement was not plain and conspicuous, nor was the former obliterated. It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed vegetable substance.

Misbranding was alleged for the 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 package bore two conflicting statements.

On December 23, 1931, no claimant having appeared for the property, judgment was entered ordering that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19272. Misbranding of canned sardines. U. S. v. 4 Cases and 88 Tins of Canned Sardines. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27271. I. S. No. 34087. S. No. 5448.)

Sample cans of sardines taken from the import shipment herein described having been found to be short of the declared weight, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of New York.

On November 23, 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 4 cases and 88 tins of canned sardines, remaining unsold in the original packages at Brooklyn, N. Y., the said article being a part of an import shipment entered at the port of New York on or about October 14, 1931, and reshipped to Brooklyn, N. Y. It was alleged in the libel that the article had been shipped in foreign commerce from Portugal, that it had been received in the borough of Brooklyn, N. Y., on or about November 1, 1931, and that it was misbranded in violation of the food and drugs act as amended. The article was labeled in part: (Can) "Portuguese Skinless and Boneless Sardines in Olive Oil Titbit Brand Net Contents 8 Oz. Extra Quality [embossed on can] Importe du Portugal Packed in Portugal."

Misbranding was alleged in the libel for the reason that the statement "Net Contents 8 Oz." was false and misleading and deceived and misled the purchaser, since the said statement represented that the cans contained not less than 8 ounces net of the said article, whereas they did not contain the amount so represented but did contain a less amount. 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 cans contained less than represented.

On January 22, 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.*

19273. Adulteration of canned sardines. U. S. v. 19 Cases of Canned Sardines. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27023. I. S. No. 35739. S. No. 5256.)

The canned sardines in the shipment herein described having been found to be diseased and unfit for food, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Oklahoma.

On or about October 5, 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 19 cases of canned sardines at Lawton, Okla., consigned by Connors Bros. (Ltd.), alleging that the article had been shipped on or about June 19, 1931, in interstate commerce from Boston, Mass., into the State of Oklahoma, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Brunswick Brand Canadian Sardines in Oil Packed By Connors Bros., Ltd., Black's Harbour, N. B., Canada."

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

On January 18, 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.*

19274. Adulteration of canned tomato puree. U. S. v. 487 Cases and 2,190 Cases of Tomato Puree. Appearance, claim, and answer filed in each case. Product taken down under bond. Adulterated portions ordered destroyed. Remainder released. (F. & D. Nos. 26790, 26815. I. S. Nos. 13218, 13228. S. Nos. 4916, 4988.)

Samples of canned tomato puree from the shipments herein described having been found to contain excessive mold, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of California.

On July 13 and July 29, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid two libels praying seizure and condemnation of 487 cases and 2,190 cases, respectively, of tomato puree, remaining in the original unbroken packages at Los Angeles, Calif., alleging that the article had been shipped by the Woods Cross Canning Co., in part on or about June 13, 1931, from Clearfield, Utah, and in part on or about September 20, 1930, from Woods Cross, Utah, and had been transported from the State of Utah into the State of California, and charging adulteration in violation of the food and drugs act. A portion of the article was labeled in part: (Can) "Clearfield Brand Tomato Puree Packed by Woods Cross Canning Co., Woods Cross, Utah."

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

The Arthur P. Jacobs Co. (Inc.), Los Angeles, Calif., entered an appearance in the action involving 487 cases of the product, and S. E. Rykoff & Co., a copartnership, Los Angeles, Calif., entered an appearance in the action involving 2,190 cases. The said claimants in their respective answers admitted the material allegations of the libels, prayed that the product be released for separation by means of certain identifying code markings, and filed bonds conditioned that the article should not be sold or otherwise disposed of contrary to the Federal food and drugs act, or other laws. On January 7, 1932, bonds in the total sum of \$3,000 having been filed by the claimants, and the adulterated portions having been separated from the unadulterated portions under the supervision of this department, decrees were entered ordering that the adulterated portions in both actions, consisting of 756 cases and 3 cans be destroyed, and that the remainder consisting of 1,853 cases and 6 cans (the amount seized was somewhat less than the amount covered by the libels), be released to the claimants in the proportion to which they were entitled.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19275. Adulteration of cabbage. U. S. v. 455 Hampers of Cabbage. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27608. I. S. No. 42969. S. No. 5652.)

Arsenic having been found on the cabbage in the shipment herein described, the Secretary of Agriculture reported the matter to the United States attorney for the District of Massachusetts.

On December 26, 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 455 hampers of cabbage, remaining in the original unbroken packages at Boston, Mass., alleging that the article had been shipped by the Manatee Fruit Co., from Palmetto, Fla., on or about December 16, 1931, and had been transported from the State of Florida into the State of Massachusetts, 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 or deleterious ingredient, to wit, arsenic, which might have rendered it injurious to health.

On December 29, 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.*