

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 the salmon be brought into conformity with the Federal food and drugs act, and that it should not be sold or disposed of contrary to the provisions of said act or the laws of any State, Territory, district, or insular possession.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**19345. Alleged misbranding of oysters. U. S. v. Edward R. Clarke (E. R. Clarke). Instructed verdict of not guilty. (F. & D. No. 25725. I. S. Nos. 14486, 14487.)**

Sample cans of oysters taken from the shipments involved in this action having been found to contain less than the volume declared on the label, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Virginia.

On April 28, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid an information against Edward R. Clarke, trading as E. R. Clarke, Norfolk, Va., charging shipment by said defendant, in violation of the food and drugs act, on or about February 3, 1931, from the State of Virginia into the State of South Carolina, of quantities of oysters that were alleged to be misbranded. The article was labeled in part: (Can) "Selects \* \* \* Minimum 1 Pint Volume."

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "Minimum 1 Pint Volume," borne on each of the cans, was false and misleading in that the said statement represented that the cans each contained 1 pint of oysters; and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the cans each contained 1 pint of oysters; whereas the cans did not contain 1 pint of oysters, but did contain a less amount.

On January 6, 1932, the case came on for trial before the court and a jury. After introduction of evidence on behalf of the Government and arguments by counsel the jury, acting under instructions of the court, returned a verdict of not guilty.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**19346. Adulteration of canned tomato puree. U. S. v. Crampton Canneries (Inc.). Plea of nolo contendere. Fine, \$200 and costs. (F. & D. No. 26594. I. S. No. 10346.)**

Samples of canned tomato puree involved in this action having been found to be decomposed, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Ohio.

On August 24, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid an information against the Crampton Canneries (Inc.), a corporation, Celina, Ohio, alleging shipment by said company in violation of the food and drugs act, on or about November 7, 1930, from the State of Ohio into the State of Missouri, of a quantity of canned tomato puree that was adulterated. The article was labeled in part: "Ohio Brand Fancy Pure Foods Tomato Puree \* \* \* Hensgen-Peters Smith Co. Distributors, St. Louis, Mo."

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

On September 23, 1931, a plea of nolo contendere to the information was entered on behalf of the defendant company. On April 28, 1932, a fine of \$200 and costs was imposed by the court.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**19347. Adulteration of canned salmon. U. S. v. 787 Cases of Canned Salmon. Decree of condemnation. Product released under bond. (F. & D. No. 27598. I. S. Nos. 37764, 37765, 37766. S. No. 5640.)**

Samples of salmon from the shipment herein described having been found to be partly decomposed, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Virginia.

On December 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 787 cases of canned salmon, remaining in the original unbroken

packages at Norfolk, Va., alleging that the article had been shipped on or about October 31, 1931, by Libby, McNeill and Libby, from Seattle, Wash., and had been transported from the State of Washington into the State of Virginia, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Cases and cans) "Happy-Vale Brand Pink Salmon \* \* \* Packed for Emery Food Co. Chicago."

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

On January 19, 1932, the Emery Food Co., Chicago, Ill., claimant, having admitted the allegations of the libel and having prayed delivery of the product for the purpose of segregating the good portion from the bad portion, judgment of condemnation 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 \$2,000, conditioned in part that it should not be sold or disposed of contrary to the provisions of the food and drugs act or the laws of any State, Territory, district, or insular possession. It was further ordered that the segregation of the product be made under the supervision of this department, and that the portion found wholesome and fit for human consumption be released.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**19348. Adulteration of cabbage. U. S. v. 436 Hampers of Cabbage. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27656. I. S. No. 37612. S. No. 5706.)**

Examination of samples of cabbage from the shipment herein described having shown the presence of arsenic, the Secretary of Agriculture reported the matter to the United States attorney for the District of Maryland.

On January 12, 1932, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 436 hampers of cabbage, remaining in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped on or about January 5, 1932, by W. H. Tucker, from Santos, Fla., and had been transported from the State of Florida into the State of Maryland, 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 the product harmful to health.

On January 26, 1932, no claimant having appeared, 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.*

**19349. Adulteration of cabbage. U. S. v. 441 Hampers of Cabbage. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27642. I. S. No. 38377. S. No. 5684.)**

Arsenic having been found on cabbage taken from the shipment involved in this action, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of New York.

On January 6, 1932, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 441 hampers of cabbage at New York, N. Y., alleging that the article had been shipped on or about December 30, 1931, by the H. B. Stivey Co., from Montclair, Fla., 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 or deleterious ingredient, to wit, arsenic, which might have rendered the article injurious to health.

On January 25, 1932, no claimant having appeared, 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.*

**19350. Adulteration of cabbage. U. S. v. 90 Hampers, et al., of Cabbage. Consent decree of condemnation, forfeiture, and destruction. (F. & D. No. 27672. I. S. No. 37617. S. No. 5754.)**

Examination of samples of cabbage from the shipment herein described having shown the presence of arsenic, the Secretary of Agriculture reported the matter to the United States attorney for the District of Maryland.