19547. Misbranding of rice. U. S. v. 75 Bags of Rice. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 27679. I. S. No. 22894. S. No. 5761.)

The rice in this shipment having been found to be of a lower grade than labeled, the Secretary of Agriculture reported the matter to the United States attorney for the Territory of Hawaii.

On January 25, 1932, the United States attorney for the District of Hawaii, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 75 bags of rice at Honolulu, Hawaii, consigned by the Growers Rice Milling Co., in San Francisco, Calif., alleging that the article had been shipped from San Francisco, Calif., on January 15, 1932, to Honolulu, Hawaii, and that it was misbranded in violation of the food and drugs act.

It was alleged in the libel that the article was misbranded in that the bags containing the article were labeled, "Extra Fancy California Japan Rice," which label was false and misleading and deceived and misled the purchaser, since the said label represented that the rice was Extra Fancy grade, whereas it was of a different and lower grade, to wit, Fancy grade.

On January 25, 1932, T. Sumida & Co. (Ltd.), a Hawaiian corporation, having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered. On the same date, the claimant having paid the costs of the proceedings and having executed a bond in the sum of $300, conditioned in part that the product should not be sold or otherwise disposed of contrary to the Federal food and drugs act or the laws of the Territory of Hawaii, the court ordered that the goods be released to the claimant.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19548. Misbranding of rice. U. S. v. 4,360 Bags, et al., of Rice. Consent decrees of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 27677, 27678, 27680 to 27686, incl., 27990. I. S. Nos. 22892, 22893, 32427 to 32433, incl., 32740. S. Nos. 5758, 5759, 5762, 5763, 5766, 5771, 5772, 5774, 5775, 6032.)

The rice in the various shipments involved in this action was labeled "Extra Fancy," whereas it was found to be of a lower grade.

On January 19 and April 6, 1932, the United States attorney for the District of Hawaii, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the Territory of Hawaii, libels praying seizure and condemnation of 4,360 bags and 50 bags of rice, alleging that the article had been shipped in 11 different lots from San Francisco, Calif., to Honolulu, Hawaii, and that it was misbranded in violation of the food and drugs act. One lot, consisting of 75 bags, covered by the first described libel, was not seized, but was later libeled as set out in Notice of Judgment No. 19547. The 4,335 bags which were seized were shipped on the following dates by various consignors: 500 bags by Rosenberg Bros. & Co., on or about January 8, 1932; 500 bags, 100 bags, and 300 bags, by C. E. Grosjean Rice Milling Co., on or about January 11, 1932; 150 sacks and 450 sacks by the Capital Rice Mills, on or about January 11, 1932; 135 bags and 2,000 bags by Fred L. Waldron (Ltd.), on or about January 12, 1932, and 50 bags by the same shipper on or about March 29, 1932, and 150 sacks by F. M. Nonaka & Co., on or about January 15, 1932. The article was labeled in part: "Extra Fancy."

Misbranding was alleged in the libel filed with respect to the greater part of the said article for the reason that it was labeled, "Extra Fancy," which is a trade designation of a certain quality of rice, and that the article had been graded and found not to be Extra Fancy, and that such label was false and misleading. Misbranding was alleged with respect to the product contained in 50 sacks for the reason that it was labeled, "Best Grade California Extra Fancy Rice," which label was false and misleading and deceived and misled the purchaser, since it represented that the article was of an Extra Fancy grade, whereas it was of a different and lower grade, namely, "Fancy."

On January 20, January 21, and April 8, 1932, Fred L. Waldron (Ltd.), Y. Hata & Co., Fujii Junichi Shoten (Ltd.), and the Hilo Mills Co. (Ltd.), Hawaiian corporations, and Marusan Shokai, Honclulu, Hawaii, S. Hata Shoten, Hilo, Hawaii, Kyosadi Bros., Hilo, Hawaii, and the Hawaiian Mutual Supply Co., Hila, Hawaii, having appeared as claimants for respective portions of the article, and having consented to the entry of decrees, judgments of condemnation and forfeiture were entered. The said claimants having paid their pro rata costs of the libel proceedings, and having executed good and sufficient bonds to