

On March 16, 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.

HENRY A. WALLACE, *Secretary of Agriculture.*

19706. Adulteration of canned frozen eggs. U. S. v. 675 Cans of Frozen Eggs. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 27825. I. S. No. 39523. S. No. 5930.)

Samples of canned frozen eggs taken from the shipment involved in this action having been found to be decomposed and putrid, the Secretary of Agriculture reported the matter to the United States attorney for the District of Maryland.

On March 10, 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 675 cans of frozen eggs, remaining in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped in interstate commerce, on or about March 21, 1931, by the Kraft-Phenix Cheese Corporation, from Dallas, Tex., and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Kraft-Phenix Cheese Corporation."

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

On March 22, 1932, the Kraft-Phenix Cheese Corporation, Chicago, Ill., having appeared as claimant for the property, 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 \$2,000, conditioned in part that it should not be sold or disposed of contrary to the provisions of the Federal food and drugs act, or the laws of any State, Territory, District, or insular possession.

HENRY A. WALLACE, *Secretary of Agriculture.*

19707. Adulteration of bluefins. U. S. v. 3 Boxes, et al., of Bluefins. Decrees of destruction entered. (F. & D. Nos. 27788, 27789, 27812, 27813. I. S. Nos. 50080, 52780, 52786, 53503. S. Nos. 5889, 5892, 5917, 5918.)

These actions involved several interstate shipments of fish, samples of which were found to be infested with parasitic worms.

On February 29 and March 7, 1932, the United States attorney for the Southern District of Ohio, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of nine boxes of bluefins, in part at Cincinnati, Ohio, and in part at Columbus, Ohio, alleging that the article had been shipped in interstate commerce between the dates of February 23 and March 1, 1932, by the Hogstad Fish Co., from Duluth, Minn., to Cincinnati and Columbus, Ohio, respectively, 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 wholly or in part of a filthy, decomposed, and putrid animal substance, and in that it consisted of portions of animals unfit for food.

On February 29 and March 7, 1932, the court having found that the product was spoiled and unfit for human consumption, decrees were entered ordering that the fish be destroyed by the United States marshal.

HENRY A. WALLACE, *Secretary of Agriculture.*

19708. Misbranding of canned minced clams. U. S. v. 25 Cases of Canned Minced Clams. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27742. I. S. No. 32337. S. No. 5832.)

This action involved the interstate shipment of a quantity of canned minced clams, sample cans of which were found, upon examination, to contain less than the declared weight. Examination further showed that some of the cans fell below the standard of fill of container promulgated by this department, and that they were not labeled to show that they were slack-filled.

On February 11, 1932, the United States attorney for the Northern District of California, 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 25 cases of canned minced clams, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped in interstate commerce, on or about January 29, 1932, from

Seattle, Wash., to San Francisco, Calif., by the K. C. B. Canning Co. (K. C. B. Cannery (Inc.)), and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: "K. C. B. Minced White Clams * * * Packed by K. C. B. Cannery, Inc., Seattle, Wash. Net Weight 7½ oz."

It was alleged in the libel that the article was misbranded in that the statement on the can label, "Net Weight 7½ oz.," was false and misleading and deceived and misled the purchaser. 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. Misbranding was alleged for the further reason that the article was canned food and fell below the standard of fill of container promulgated by the Secretary of Agriculture for such canned food, since the contents occupied less than 90 per cent of the volume of the closed container and the label did not bear a plain and conspicuous statement prescribed by the Secretary, indicating that it fell below such standard.

On March 9, 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.

HENRY A. WALLACE, *Secretary of Agriculture.*

19709. Adulteration of celery. U. S. v. 352 Crates, et al., of Celery. Decrees of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 27949, 27975. I. S. Nos. 43173, 43178. S. Nos. 6001, 6003.)

Arsenic having been found on samples of celery taken from the shipments involved in these actions, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Pennsylvania.

On March 22 and March 24, 1932, the United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 704 crates of celery, remaining in the original unbroken packages at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce, in part on or about March 17, 1932, and in part on or about March 19, 1932, by Chase & Co., from Sanford, Fla., to Philadelphia, Pa., and charging adulteration in violation of the food and drugs act. A portion of the article was labeled in part: "Precooled and Each Stalk Washed, Chase & Co., Sanford, Florida."

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

On March 23 and March 24, 1932, Fred Morinelli, jr., Philadelphia, Pa., having appeared as claimant for the property, 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 \$2,400, conditioned in part that it should not be sold or otherwise disposed of contrary to the laws of the United States or of any State, Territory, District, or insular possession, and that it should be reconditioned under the supervision of this department. In supervising the reconditioning this department required the complete removal of the arsenic by washing or other means.

HENRY A. WALLACE, *Secretary of Agriculture.*

19710. Adulteration of tomato catsup. U. S. v. 553 Cases of Tomato Catsup. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27192. I. S. No. 37005. S. No. 5360.)

Samples of canned tomato catsup involved in this action were found to contain excessive mold.

On November 2, 1931, the United States attorney for the Northern District of Texas, 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 553 cases of tomato catsup at Fort Worth, Tex., alleging that the article had been shipped in interstate commerce, on or about September 19, 1931, by the Smith Canning Co., from Layton, Utah, to Fort Worth, Tex., and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Victor Brand Catsup * * * Packed by Smith Canning Co., Clearfield, Utah."