

**2967. Adulteration of oysters. U. S. v. Six Tubs of Oysters. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 4761. S. No. 1567.)

On November 8, 1912, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of six tubs of oysters remaining unsold in the original unbroken packages and in possession of Irwin Bros., Chicago, Ill., alleging that the product had been shipped on November 5, 1912, by the J. I. Housman Oyster Co., New York, N. Y., from the State of New York into the State of Illinois, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the product was alleged in the libel for the reason that it consisted in part of filthy and decomposed animal matter, and for the further reason that it consisted in part of a portion of an animal unfit for food.

On February 6, 1913, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered and it was ordered by the court that the product should be destroyed by the United States marshal.

B. T. GALLOWAY, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *March 30, 1914.*

**2968. Adulteration of oysters. U. S. v. Nine Tubs and Two Tubs of Oysters. Default decrees, of condemnation, forfeiture, and destruction.** (F. & D. Nos. 4787, 4788. S. No. 1569.)

On November 11, 1912, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of nine tubs and two tubs of oysters, remaining unsold in the original unbroken packages, the nine tubs in possession of Ernest Hog, doing business as Magner Winslow Co., Chicago, Ill., and the two tubs in possession of W. M. Walker, Chicago, Ill., alleging that the product had been shipped on November 5, 1912, by Vanorden Bros., New York, N. Y., and transported from the State of New York into the State of Illinois, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the product was alleged in the libels for the reason that it consisted in part of filthy, decomposed, and putrid animal matter, and for the further reason that it consisted in part of a portion of an animal unfit for food.

On February 6, 1913, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered and it was ordered by the court that the product should be destroyed by the United States marshal.

B. T. GALLOWAY, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *March 30, 1914.*

**2969. Adulteration of salmon. U. S. v. One Thousand Cases of Canned Salmon. Decree of condemnation by consent. Product ordered destroyed.** (F. & D. No. 4789. S. No. 1572.)

On November 11, 1912, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 1,000 cases of canned salmon, remaining unsold in the original unbroken packages, at Boston, Mass., alleging that the product had been shipped by the Fidalgo Island Packing Co., Seattle, Wash., and transported from the State of Washington into the State of Massachusetts, and charging adulteration in violation of the Food and Drugs Act. The product was labeled (on cases) "4 Doz. Alaska Salmon Red Star Brand Packed by the Fidalgo Island P. K. G. Co. at Ketchikan, Alaska." (On cans) "Fresh (Design salmon) Pink Salmon Packed by the Fidalgo Island Packing Co., Ketchikan, Alaska. Empty contents soon as opened. Red Star Brand (Design Salmon) Pink Trade Mark Salmon."

Adulteration of the product was alleged in the libel for the reason that it consisted in part of a filthy, decomposed, and putrid animal substance.

On December 16, 1912, the said Fidalgo Island Packing Co. petitioned the court, seeking to intervene in the cause, which petition was duly allowed by the court, and an order was entered permitting the Government and said intervener to overhaul and sort the different cans of salmon for the purpose of separating the good cans from the bad, and as a result of the overhauling the intervener stated that 937 cases had been examined and sorted, with the result that 364 cases and 36 cans were found "bright," 510 cases and 41 cans "rusty," and 63 cases and 8 cans "swells;" and said intervener also stated that the tins containing the salmon had before shipment been submerged in salt water by accident, but had been sold in good faith in the belief that they had not thereby been rendered unfit for food, and said intervener being desirous that under the conditions found to exist the goods bearing its brand should not be offered for sale, consented that a decree of forfeiture be entered. The preceding facts were made the basis of an agreement between counsel for the Government and the intervener, whereby a decree might be entered.

On June 6, 1913, a judgment of condemnation and forfeiture was entered, and in accordance with the agreement of counsel and in consideration of the facts set forth in said agreement, it was ordered by the court that 984 cases of the product should be destroyed by the United States marshal.

B. T. GALLOWAY, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *March 30, 1914.*

**2970. Adulteration of gelatine. U. S. v. 2 Cases of Gelatine. Decree of condemnation by consent. Product ordered destroyed. (F. & D. No. 4790. S. No. 1573.)**

On November 11, 1912, the United States Attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 2 cases of Keystone Silver White Gelatine, remaining unsold in the original, unbroken packages and in the possession of J. H. Allen & Co., St. Paul, Minn., alleging that the product had been shipped on November 6, 1911, by the American Agricultural Chemical Co., Detroit, Mich., and transported in interstate commerce from the State of Michigan into the State of Minnesota, and charging adulteration in violation of the Food and Drugs Act. The product was labeled (on cases): "Keystone Silver White Gelatine—The American Agricultural Chemical Co., Michigan Carbon Works, Detroit, Mich.—Guaranteed by the American Agricultural Chemical Co., under the Food & Drugs Act of June 30, 1906, Serial Number 8300." (On cartons) "One dozen Boxes Keystone Silver White Gelatine—Guaranteed under the Food & Drugs Act, June 30, 1906. No. 8300. Manufactured by American Agricultural Chemical Co., Michigan Carbon Works, Gelatine Department, Detroit, Mich. U.S.A."

Adulteration of the product was alleged in the libel, for the reason that it contained an added poisonous or deleterious ingredient which might render it injurious to health; that is to say, it contained over 15 parts per million of arsenic trioxid.

On June 14, 1913, the said American Agricultural Chemical Co., claimant, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

B. T. GALLOWAY, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *March 30, 1914.*

**2971. Misbranding of wine. U. S. v. 25 Cases of Wine. Decree of condemnation by default. Product ordered destroyed. (F. & D. No. 4791. S. No. 1575.)**

On November 13, 1912, the United States attorney for the Eastern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 25 cases, each containing 12 bottles of wine, remaining unsold in the original unbroken packages