

4796. Adulteration of tuna fish. U. S. * * * v. 40 Cases of Canned Tuna Fish. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 7507. I. S. Nos. 510-1, 515-1. S. No. E-615.)

On June 5, 1916, the United States attorney for the Southern District of New York, 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 40 cases of canned tuna fish, consigned by the National Wholesale Grocery Co. (Inc.), Fall River, Mass., remaining unsold in the original unbroken packages at New York, N. Y., alleging that the article had been shipped, on or about April 29, 1916, and transported from the State of Massachusetts into the State of New York, and charging adulteration in violation of the Food and Drugs Act. Some of the cans were labeled: "Van Camp's Net Contents 7 Ounces White Meat of Tuna. Packed by Van Camp Sea Food Company, San Pedro, Cal. Ready to serve;" some were labeled: "E. & W. Brand California Tuna. Net Weight of Contents 13½ ounces. Packed in High Grade Cotton-seed Oil. Packed and guaranteed by E. & W. Tuna Canning Company, San Pedro, Cal.," and some were labeled: "N. W. Brand, California Tuna. Net Weight 13½ ounces Packed in Cotton-seed oil. National Wholesale Grocery Company, Inc., Fall River, Mass."

Adulteration of the article was alleged in the libel for the reason that it consisted in particular [part] of a decomposed animal substance, to wit, [decomposed] fish.

On June 28, 1916, 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.

CARL VROOMAN, *Acting Secretary of Agriculture.*