

bond in the sum of \$500, in conformity with section 10 of the act, conditioned in part that the said product be not shipped or sold unless rebranded and properly marked.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10237. Adulteration of scallops. U. S. * * * v. 13 Gallons * * * of Scallops. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 15862. S. No. E-3748.)

On December 22, 1921, the United States attorney for the Eastern District of Pennsylvania, 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 13 gallons of scallops, remaining in the original unbroken packages at Philadelphia, Pa., consigned by Piner Bros., Morehead City, N. C., alleging that the article had been shipped on or about December 17, 1921, and transported from the State of North Carolina into the State of Pennsylvania, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that water had been mixed and packed with and substituted in part for scallops.

On January 16, 1922, 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.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10238. Adulteration of scallops. U. S. * * * v. 10 Boxes * * * of Scallops, et al. Default decrees of condemnation and forfeiture. Product turned over to charitable institutions. (F. & D. Nos. 15864, 15878, 15879, 15880, 15881, 15882, 15902, 15903, 19524. Inv. Nos. 33382, 33386, 33389, 33391, 33392, 33393, 33395, 33400, 33452. S. Nos. E-3700, E-3720, E-3721, E-3722, E-3723, E-3724, E-3725, E-3726, E-3727.)

On December 12, 15, 16, and 19, 1921, respectively, the United States attorney for the District of Massachusetts, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 68 boxes, 25 barrels, and 1 five-gallon can of scallops, consigned between the dates December 10 and 16, 1921, remaining in the original unbroken packages in part at Boston and in part at Haverhill, Mass., alleging that the article had been shipped by the Duffy-Wade Co., Tolson & Smith Co., Woodland Co., Charles V. Webb, Way Bros., Piner Bros., and George L. Sterling Co., respectively, from Morehead City, N. C., and transported from the State of North Carolina into the State of Massachusetts, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libels for the reason that a substance, to wit, added water, had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength and had been substituted in part for the said article.

On December 30, 1921, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be turned over to such public institutions as the United States marshal should in his judgment direct.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10239. Adulteration and misbranding of shorts and screenings. U. S. * * * v. 1,000 Sacks and 380 Sacks * * * of Shorts and Screenings. Consent decrees finding the product misbranded and ordering its release under bond. (F. & D. Nos. 15899, 15900. I. S. Nos. 1318-t, 1319-t, 1320-t. S. Nos. C-3390, C-3391.)

On or about January 9, 1922, the United States attorney for the Western District of Arkansas, 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 1,380 sacks of shorts and screenings, at Fort Smith, Ark., alleging that the article had been shipped by the General Commission Co., Kansas City, Mo., December 5, 7, and 8, 1921, respectively, and transported from the State of Missouri into the State of Arkansas, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Tag) "100 # Fancy Gray Cereal Shorts And Screenings Not Exceeding 8% * * *"

Adulteration of the article was alleged in substance in the libels for the reason that a mixture of ground bran, ground corn products, and flour had been mixed and packed therewith so as to [reduce] lower, and injuriously affect its quality and strength and had been substituted wholly or in part for the

said article. Adulteration was alleged for the further reason that the said ground bran, ground corn products, and flour had been mixed with the said article in a manner whereby inferiority was produced [concealed].

Misbranding was alleged in substance for the reason that the article was an adulteration [imitation] of, and was offered for sale under the distinctive name of, another article, so as to deceive and mislead the purchaser, and for the further reason that it was branded as above set forth so as to represent falsely, and to create in the minds of purchasers thereof the impression and belief, that the said article was composed of ingredients as set out in the said label, when, in truth and in fact, it was not.

On January 20, 1922, the General Commission Co., Kansas City, Mo., claimant, having conceded the allegations of the libels and having tendered good and sufficient bonds, in conformity with section 10 of the act, judgments of the court were entered ordering that the product be released to the said claimant upon payment of the costs of the proceedings and that it be not sold until it should be relabeled as "Mixed Feed, Ingredients: Bran, Corn Meal, Low Grade Flour and Screenings."

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10240. Misbranding of canned clams. U. S. * * * v. 31 Cases of Canned Clams. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 15159. I. S. No. 5465-t. S. No. E-3596.)

On October 4, 1921, 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 31 cases of canned clams, remaining unsold in the original unbroken packages at Worcester, Mass., alleging that the article had been shipped by the Sargentville Packing Co., Sargentville, Me., on or about April 2, 1921, and transported from the State of Maine into the Commonwealth of Massachusetts, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part, "Jack Rose Brand Clams * * * Contents 8 Oz."

Misbranding of the article was alleged in the libel for the reason that the statement, to wit, "Contents 8 Oz.," borne and labeled upon the cans containing the article, was false and misleading in that the said statement represented that the said cans each contained 8 ounces net of the said article, whereas, in truth and in fact, said cans did not each contain 8 ounces net of the said article but did contain a less quantity. 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 stated quantity, to wit, "Contents 8 Oz.," was incorrect and represented more than the actual contents of the said cans.

On December 21, 1921, the E. T. Smith Co., Worcester, Mass., having entered an appearance as claimant for the property and having filed a satisfactory bond in conformity with section 10 of the act, judgment of condemnation was entered, and it was ordered by the court that the product be released to said claimant upon payment of the costs of the proceedings.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10241. Adulteration of chocolate coating. U. S. * * * v. 10 Cases * * * of Chocolate Coating, et al. Consent decrees of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 15239, 15240, 15325. I. S. Nos. 10602-t, 10942-t, 10944-t, 10945-t. S. Nos. W-1007, W-996, W-997.)

On or about July 26 and September 1, 1921, respectively, the United States attorney for the District of Oregon, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 24 cases of Riesener's chocolate coating, remaining in the original unbroken packages at Portland, Oreg., alleging that the article had been shipped by the Riesener Chocolate Co., San Francisco, Calif., on or about July 2 and 26, 1921, respectively, and transported from the State of California into the State of Oregon, and charging adulteration in violation of the Food and Drugs Act. A portion of the article was labeled in part: (Case) "Plain Sweet Sphinx 100 lbs. Riesener's Chocolate Coating * * * Riesener Chocolate Co. * * *" The remainder of the article was labeled in part: (Case) "100 Lbs. Riesener's Master Chocolate Coating * * *"