

**7093. Adulteration of sweetened condensed skimmed milk. U. S. \* \* \* v. 147 Cases, Each Containing 48 Cans of Sweetened Condensed Skimmed Milk. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 9687. I. S. No. 14368-r. S. No. E-1237.)

On February 8, 1919, 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 147 cases, each containing 48 cans of sweetened condensed skimmed milk, remaining unsold in the original unbroken packages at New York, N. Y., alleging that the article had been shipped on or about January 25, 1919, and transported from the State of Rhode Island into the State of New York, charging adulteration in violation of the Food and Drugs Act. The article was labeled in part, "Value Brand Sweetened Condensed Milk. Packed by Merton Dairy Products, Merton, Wis."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a decomposed animal substance.

On March 13, 1919, 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.

E. D. BALL,

*Acting Secretary of Agriculture.*

**7094. Misbranding of kippered sardines. U. S. \* \* \* v. 400 Cases, Each Containing 48 Cans of Kippered Sardines. Default decree of condemnation, forfeiture, and sale** (F. & D. No. 9688. I. S. No. 13647-r. S. No. E-1229.)

On February 8, 1919, 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 400 cases, each containing 48 cans, of kippered sardines, remaining unsold in the original unbroken packages at New York, N. Y., alleging that the article had been shipped on or about June 12, 1918, by the Curtice [Curtis] Corporation, Long Beach, Calif., and transported from the State of California into the State of New York, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part, "Romona Brand California Kippered Sardines \* \* \* net contents 13 oz."

Misbranding of the article was alleged in the libel for the reason that the statements borne on the labels on the can, to wit, "Net Contents 13 oz.," was false and misleading and deceived and misled the purchaser into the belief that said cans each contained 13 ounces of California kippered sardines, when, in truth and in fact, the average net contents were from 15.54 per cent to 19 per cent short of weight of 13 ounces. Misbranding of the article was alleged further in that the true quantity of the contents of each of said cans was not plainly and conspicuously marked on the outside in terms of weight, measure, or numerical count.

On August 29, 1919, 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 relabeled and sold by the United States marshal and that judgment be entered against Von Brennen and Asche & Co., New York, N. Y., for the costs of the proceedings.

E. D. BALL,

*Acting Secretary of Agriculture.*