

13895. Adulteration and misbranding of canned clams. U. S. v. 24 Cases, et al., of Canned Clams. Decree of condemnation and forfeiture. Product released upon deposit of collateral. (F. & D. Nos. 20246, 20314, 20315, 20343. I. S. Nos. 5203-x, 5231-x, 5232-x, 5233-x, 5417-x. S. Nos. E-5428, E-5448, E-5449, E-5459.)

On July 17 and August 10 and 13, 1925, 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 praying the seizure and condemnation of 111½ cases of canned clams, remaining in the original unbroken packages in various lots at New Bedford, Worcester, and Boston, Mass., respectively, alleging that the article had been shipped by Hinkley, Stevens & Co., from Columbia Falls, Me., in various consignments, between the dates of May 9 and June 20, 1925, and transported from the State of Maine into the State of Massachusetts, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Clams Contents 5 Oz."

Adulteration of the article was alleged in the libels for the reason that a substance, excessive brine, 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.

Misbranding was alleged for the reason that the statements "Clams Contents 5 Oz," borne on the labels, were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article and for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On September 29, 1925, the cases having been consolidated into one cause of action and Hinkley, Stevens & Co., West Jonesport, Me., having appeared as claimant for the property and having deposited \$1,000, in lieu of bond, to insure compliance with the terms of the decree, judgment of condemnation was entered, and it was ordered by the court that the product might be released to the said claimant upon payment of the costs of the proceedings.

C. F. MARVIN, *Acting Secretary of Agriculture.*

13896. Adulteration of shell eggs. U. S. v. 5 Cases of Eggs. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 20333. I. S. No. 4205-x. S. No. C-4782.)

On July 6, 1925, 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 a libel praying the seizure and condemnation of 5 cases of eggs, at Fort Smith, Ark., alleging that the article had been shipped by Welton & Co., from Hodgen, Okla., on or about July 1, 1925, and transported from the State of Oklahoma into the State of Arkansas, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that a very large part of the said eggs were filthy, decomposed and putrid.

On September 24, 1925, 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. F. MARVIN, *Acting Secretary of Agriculture.*

13897. Adulteration of water. U. S. v. 290 Cases, et al., of Crazy Water. Decree of condemnation, forfeiture, and destruction. (F. & D. No. 20288. I. S. Nos. 2435-x to 2438-x, incl. S. No. C-4790.)

On or about July 31, 1925, the United States attorney for the Western District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 313½ cases of water, at Oklahoma City, Okla., alleging that the article had been shipped by the Crazy Well Water Co., from Mineral Wells, Tex., on or about July 5, 1925, and transported from the State of Texas into the State of Oklahoma, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Crazy" (or "Natural Gibson Well Water") "The Crazy Well Water Company, Mineral Wells, Texas."

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