

14072. Adulteration of canned sardines. U. S. v. 9 Cases, et al., of Sardines. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 20291, 20293 to 20299, incl. 20349, 20350, 20351, 20408, 20415. I. S. Nos. 6810-x, 6811-x, 6812-x, 6826-x, 6827-x, 6912-x, 6941-x. S. Nos. E-5445, E-5446, E-5489, E-5491.)

On July 29 and 30, August 17 and 19, and September 8, 1925, respectively, the United States attorney for the Middle District of Pennsylvania, 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 832 cases of canned sardines, in various lots at Scranton, Wilkes-Barre, and Pittston, Pa., alleging that the article had been shipped by the Maine Cooperative Sardine Co., in violation of the food and drugs act, in various consignments, namely, on or about June 11, 1925, from St. Andrews, New Brunswick, Canada, on or about June 18, 1925, from Eastport, Me., and on or about July 13 and 27, 1925, respectively, from Lubec, Me., and that the said product had been transported in interstate commerce, and charging adulteration in violation of the food and drugs act. The article was labeled, variously: (Can) "Banquet Brand American Sardines * * * Packed At Eastport, Washington Co., Me. By L. D. Clark & Son"; "Sea Lion Brand Maine Sardines * * * Packed by Seacoast Canning Co. Eastport" (or "Lubec") "Me."; or "Conqueror Brand Maine Sardines * * * Packed By Seacoast Canning Co. Eastport, Me."

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

On January 11 and February 8 and 10, 1926, respectively, 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 destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

14073. Misbranding and alleged adulteration of powdered milk. U. S. v. 91 Barrels of Powdered Milk. Decree entered, finding product misbranded and ordering its release under bond. (F. & D. No. 19019. I. S. No. 22755-v. S. No. C-4495.)

On September 29, 1924, the United States attorney for the Western District of Missouri, 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 91 barrels of powdered milk, at Kansas City, Mo., alleging that the article had been shipped by the Cream-O-Milk Co., from Larned, Kans., on or about August 26, 1924, and transported from the State of Kansas into the State of Missouri, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Whole Milk Powder."

It was alleged in substance in the libel that the article was adulterated, in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

Misbranding was alleged for the 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 barrels.

On October 29, 1924, the Cream-O-Milk Co., Larned, Kans., claimant, having admitted the allegations of the libel and having consented to the entry of a decree of condemnation and forfeiture, judgment was entered, finding the product misbranded, and it was ordered by the court that it be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act, conditioned in part that it be salvaged and relabeled under the supervision of this department.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

14074. Adulteration of oranges. U. S. v. 462 Boxes of Oranges. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 19801. I. S. No. 5070-v. S. No. C-4640.)

On January 30, 1925, the United States attorney for the Western District of Missouri, 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 462 boxes of oranges, at Kansas City, Mo., alleging that the article had been shipped by the Peppers Fruit Co., from Colton, Calif., on or about January 22, 1925, and transported from the State of California into

the State of Missouri, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Case) "Century Brand Sweetest Yet Quality Peppers Fruit Co. California Wash. Navels."

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

On February 4, 1925, the Peppers Fruit Co., claimant, having admitted the allegations of the libel and having consented that judgment be entered for the condemnation and forfeiture of the property, a decree of the court was entered, finding the product adulterated, and it was ordered by the court that the said product be released to the claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$2,000, in conformity with section 10 of the act, conditioned in part that the oranges be salvaged under the supervision of this department and the decomposed portion removed therefrom and destroyed.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

14075. Adulteration of oranges. U. S. v. 462 Boxes of Oranges. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 19562. I. S. No. 23098-v. S. No. C-4628.)

On or about January 30, 1925, the United States attorney for the Western District of Missouri, 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 462 boxes of oranges, remaining in the original unbroken packages at Kansas City, Mo., alleging that the article had been shipped by D. Kellerman, per A. Tarrish, from Bryn Mawr, Calif., on or about January 22, 1925, and transported from the State of California into the State of Missouri, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Redlands Jack Redlands Orangedale Groves Inc., Redlands, California."

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

On February 5, 1925, D. Kellerman, per A. Tarrish, claimant, having admitted the allegations of the libel and having consented to the entry of a decree of condemnation and forfeiture, judgment of the court was entered, finding the product adulterated, and it was ordered by the court that the said product be released to the claimant upon payment of the costs of the proceedings and the execution of a good and sufficient bond, in conformity with section 10 of the act, conditioned in part that it be salvaged and the decomposed oranges removed therefrom and destroyed.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

14076. Misbranding of corned beef. U. S. v. Jacob Dold Packing Co. Plea of guilty. Sentence suspended. (F. & D. No. 12344. I. S. No. 14777-r.)

On November 23, 1920, the United States attorney for the Eastern 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 an information against the Jacob Dold Packing Co., a corporation, Brooklyn, N. Y., alleging shipment by said company, in violation of the food and drugs act, on or about July 29, 1918, from the State of New York into the State of New Jersey, of a quantity of corned beef which was misbranded. The article was labeled in part: "Domestic Meat Label Est. 42-C U. S. N."

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "U. S. N.," borne on the boxes containing the article, was false and misleading, in that the said statement represented that the article had been inspected, and passed as conforming to the standard required by the United States Navy, and for the further reason that it was labeled so as to deceive and mislead the purchaser into the belief that it had been inspected, and passed as conforming to the standard required by the United States Navy, when, in truth and in fact, it had not been inspected, and had not been passed as conforming to the standard required by the United States Navy, and did not conform to the said standard.

On April 28, 1926, a plea of guilty to the information was entered on behalf of the defendant company, and the court ordered that sentence be suspended.

R. W. DUNLAP, *Acting Secretary of Agriculture.*