14536. Adulteration of shell eggs. U. S. v. 74 Cases of Eggs. Default decree of condemnation, forfeiture and destruction. (F. & D. No. 18906. I. S. No. 19375-v. S. No. C-4450.)

On July 22, 1924, the United States attorney for the Western District of Kentucky, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 74 cases of eggs, remaining in the original unbroken packages at Louisville, Ky., consigned by J. I. Reed & Sons, Bolivar, Mo., July 16, 1924, alleging that the article had been shipped in interstate commerce from Bolivar, Mo., and charging adulteration in violation of the food and drugs act.

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

On April 12, 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.

W. M. JARDINE, *Secretary of Agriculture.*

14537. Adulteration of shell eggs. U. S. v. 250 Cases of Eggs. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 20367. I. S. No. 2002-x. S. No. C-4794.)

On July 29, 1925, the United States attorney for the Western District of Kentucky, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 250 cases of eggs, remaining in the original unbroken packages at Louisville, Ky., consigned by Schalla & O'Neill Co., Chicago, Ill., July 18, 1925, alleging that the article had been shipped in interstate commerce from Chicago, Ill., into the State of Kentucky, and charging adulteration in violation of the food and drugs act.

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

On July 29, 1925, Swift & Co., Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $2,000, conditioned in part that the decomposed eggs be separated from the sound eggs and the former destroyed.

W. M. JARDINE, *Secretary of Agriculture.*

14538. Misbranding and alleged adulteration of sugar corn. U. S. v. 137 Cases of Sugar Corn. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 19891. I. S. No. 9000-v. S. No. C-4668.)

On March 16, 1925, the United States attorney for the Western District of Kentucky, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 137 cases of sugar corn, remaining in the original unbroken packages at Louisville, Ky., consigned by the New Vienna Canning Co., New Vienna, Ohio, alleging that the article had been shipped in interstate commerce on or about November 10, 1924, from New Vienna, Ohio, into the State of Kentucky, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Can) "Butternut Brand Evergreen Sugar Corn" (cut of ear of corn) "Contents 1 Lb. 4 Oz. This Can Contains Sweet Corn Sugar, Salt And Pure Water. Packed by New Vienna Canning Co. New Vienna, Ohio."

Adulteration was alleged for the reason that a substance, canned field corn, had been mixed and packed with and substituted wholly or in part for the said article.

Misbranding of the article was alleged in substance in the libel for the reason that the statements, "This Can Contains Sweet Corn," and "Sugar Corn," together with the cut of an ear of corn, labeled "Evergreen," borne on the label, were false and misleading and deceived and misled the purchaser, since the product was a mixture of sweet corn and field corn, and for the further reason that the article was offered for sale under the distinctive name of another article, namely, Evergreen sugar corn. 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 statement made was not a correct statement of the quantity contained therein.

On August 7, 1925, the New Vienna Canning Co., New Vienna, Ohio, claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment was entered, finding the product misbranded and ordering its condemnation, and it was further 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 $200, conditioned in part that it be relabeled in part: "Appeal Brand Contents 1 lb. 2 oz. This can contains only sweet corn and field corn, salt and water."

W. M. JARDINE, *Secretary of Agriculture.*

14539. Adulteration and misbranding of canned oysters. U. S. v. 16 Cases of Oysters. Default decree of condemnation, forfeiture and destruction. (F. & D. No. 16750. I. S. No. 4456-v. S. No. C-2925.)

On August 31, 1922, the United States attorney for the Western District of Kentucky, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 16 cases of oysters, remaining in the original packages at Paducah, Ky., consigned by the Hilton Head Packing Co., Savannah, Ga., about April 17, 1922, alleging that the article had been shipped in interstate commerce from Savannah, Ga., into the State of Kentucky, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Can) "Hilton Head Brand Contains 5 Oz. Oyster Meat Packed By Hilton Head Packing Co. Office: Savannah, Ga.," (crimped in head of can) "5 Oz. Oysters."

Adulteration of the article was alleged in the libel 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 wholly or in part for the said article.

Misbranding was alleged for the reason that the statements, to wit, "Contains 5 Oz. Oyster Meat" and "5 Oz. Oysters," borne on the labels, were false and misleading and deceived and misled the purchaser, and 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 statement made was not correct.

On July 15, 1926, 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.

W. M. JARDINE, *Secretary of Agriculture.*

14540. Adulteration and misbranding of ether. U. S. v. 194 Cans and 94 Cans of Ether. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 21035. I. S. Nos. 5522-x, 5523-x. S. No. E-5752.)

On April 27, 1926, 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 praying seizure and condemnation of 288 cans of ether, remaining in the original unbroken packages at Boston, Mass., alleging that the article had been shipped by E. R. Squibb & Sons, from New York, N. Y., and transported from the State of New York into the State of Massachusetts, and charging adulteration and misbranding in violation of the food and drugs act.

Analysis by the Bureau of Chemistry of this department of a sample of the article showed that it contained peroxide and aldehyde.

Adulteration of the article was alleged in the libel for the reason that it was sold under a name recognized in the United States Pharmacopoeia and differed from the standard prescribed by the said pharmacopoeia, and its own standard was not stated upon the label, and in that it fell below the professed standard under which it was sold.

Misbranding was alleged for the reason that the statements borne on the label, "Ether * * * For Anesthesia" and "It is superior in vital respects to the ether of the U. S. P.," were false and misleading.

On June 30, 1926, E. R. Squibb & Sons, New York, N. Y., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of