

**11706. Adulteration and misbranding of canned fish. U. S. v. 10,315 Cases of Canned Fish. Consent decree of condemnation and forfeiture. Product disposed of to Oregon State Fish Commission for use as fish food.** (F. & D. No. 16998. I. S. Nos. 7866-v, 7867-v, 7868-v, 7869-v, 7870-v, 7871-v, 7872-v, 7874-v. S. No. W-1234.)

On November 27, 1922, the United States attorney for the District of Oregon, 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 10,315 cases of canned fish at Astoria, Oreg., alleging that the article had been offered for export to a foreign country, namely, to Montreal, Canada, by the Tallant-Grant Packing Co., Astoria, Oreg., on or about November 2, 1922, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. A portion of the article (481 cases) was labeled in part: "Choice Alaska Kippered Sable Fish Packed By Tallant-Grant Packing Company Astoria, Oregon." The remainder of the article (9,834 cases) was unlabeled and consisted of salmon and mixed kippered fish.

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance which had been substituted for normal fish of good quality.

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 package. Misbranding was alleged with respect to the 481 cases of kippered sable fish for the reason that it was labeled in part, "Choice," which was false and misleading and deceived and misled the purchaser.

On February 10, 1923, the Tallant-Grant Packing Co., Astoria, Oreg., having appeared and consented to the entry of a decree, 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 a bond in the sum of \$3,750, in conformity with section 10 of the act, conditioned in part that it be disposed of to the Oregon State Fish Commission for use as fish food.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11707. Adulteration of canned salmon. U. S. v. 182 Cases of Canned Salmon. Default decree entered. Product delivered to State officials to be used in State fish hatcheries.** (F. & D. No. 17122. I. S. No. 8314-v. S. No. W-1275.)

On January 12, 1923, the United States attorney for the Western District of Washington, 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 182 cases of canned salmon, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the Southern Alaska Canning Co., from Port Walter, Alaska, October 6, 1922, and transported from the Territory of Alaska into the State of Washington, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Cans) "Moonrise Brand Medium Red Salmon Packed in Alaska by Southern Alaska Canning Co. Main Office Seattle, Wash. U. S. A. Contents 1 Lb."

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.

On February 14, 1923, no claimant having appeared for the property, judgment of the court was entered ordering that the product be delivered to the State Fish Commissioner and the State Game Warden to be used in the State fish hatcheries.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11708. Adulteration and misbranding of cottonseed meal. U. S. v. 250 Sacks of Cottonseed Meal. Decree of condemnation entered. Product released under bond.** (F. & D. No. 17512. I. S. No. 9001-v. S. No. E-4395.)

On May 16, 1923, 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 of information praying the seizure and condemnation of 250 sacks of cottonseed meal, remaining in the original unbroken packages at Shelburne Falls, Mass., alleg-

ing that the article had been shipped by the Humphreys-Godwin Co., from Memphis, Tenn., on or about April 20, 1923, and transported from the State of Tennessee into the State of Massachusetts, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "100 Pounds Net Danish Brand Cotton Seed Meal Guaranteed Analysis Protein 36.00% Equivalent Nitrogen 5.75% \* \* \* Crude Fibre (Max.) 15.00% \* \* \* Manufactured For Humphreys-Godwin Company Memphis, Tenn."

Adulteration of the article was alleged in the libel for the reason that a substance, to wit, a substance low in protein, nitrogen, and containing excessive crude fiber, had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted in whole or in part for the said article.

Misbranding was alleged for the reason that the article was a product low in protein and containing excessive crude fiber and was offered for sale and sold under the distinctive name of another article, to wit, cottonseed meal. Misbranding was alleged for the further reason that the article was labeled, "Cotton Seed Meal Guaranteed Analysis Protein 36.00% Equivalent Nitrogen 5.75% \* \* \* Crude Fibre (Max.) 15.00%," which statements were false and misleading and deceived and misled the purchaser, in that they represented to purchasers that the article was cottonseed meal containing 36 per cent of protein, the equivalent of 5.75 per cent of nitrogen, and that it contained not more than 15 per cent of crude fiber, whereas, in truth and in fact, it was not cottonseed meal containing 36 per cent of protein, the equivalent of 5.75 per cent of nitrogen, and containing not more than 15 per cent of crude fiber, but was a product containing less than 36 per cent of protein, the equivalent of 5.75 per cent of nitrogen, and contained more than 15 per cent of crude fiber.

On July 12, 1923, the Humphreys-Godwin Co., Inc., Memphis, Tenn., 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 might be released to said claimant upon payment of the costs of the proceedings.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11709. Adulteration and misbranding of butter. U. S. v. 13 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond.** (F. & D. No. 17641. I. S. No. 4307-v. S. No. C-4063.)

On July 11, 1923, the United States attorney for the Northern District of Illinois, 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 13 tubs of butter, remaining unsold in the original tubs at Chicago, Ill., alleging that the article had been shipped by the Cuba City Creamery Co., Cuba, Wis., July 5, 1923, and transported from the State of Wisconsin into the State of Illinois, and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that a substance deficient in milk fat and high in moisture had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted in whole or in part for the said article. Adulteration was alleged for the further reason that a valuable constituent of the article, to wit, butterfat, had been in part abstracted therefrom.

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 package.

On July 14, 1923, the H. C. Christians Co., Chicago, Ill., claimant, having admitted the allegations of the libel and consented to the entry of a decree, 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 a bond in the sum of \$1,000, in conformity with section 10 of the act, conditioned in part that it be reprocessed under the supervision of this department and that the tubs be marked with the net contents thereof.

HOWARD M. GORE, *Acting Secretary of Agriculture.*