

article had been shipped by the Hilton Head Packing Co., Savannah, Ga., on or about April 1, 1922, and transported from the State of Georgia into the State of Montana, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: "Hilton Head Brand \* \* \* Contains 5 Oz. Oyster Meat Oysters \* \* \* Packed By Hilton Head Packing Co. Office: Savannah, Ga."

Adulteration of the article was alleged for the reason that water and oyster juice had been mixed and packed with and substituted wholly and in fact [part] for oyster meat, the substance marked and labeled as packed in the said cans.

Misbranding of the article was alleged in the libel for the reason that the statement appearing on the label of the cans containing the said article, indicating the weight thereof, namely, "Contains 5 Oz. Oyster Meat," was false and misleading and deceived and misled the purchaser. 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 packages in terms of weight and measure.

On October 3, 1922, the Miles City Mercantile Co., Miles City, Mont., having appeared as claimant for the property and having admitted the misbranding thereof, judgment of the court was entered ordering 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 \$100, conditioned in part that it be relabeled to show the correct net weight of the contents of the said cans.

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

**11808. Adulteration and misbranding of canned salmon. U. S. v. 165 Cases, et al., of Salmon. Default decrees of condemnation, forfeiture, and destruction. (F. & D. No. 17253. I. S. No. 8759-v. S. No. C-3879.)**

On February 7 and 12, 1923, respectively, the United States attorney for the Western District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 495 cases of salmon at Memphis, Tenn., alleging that the article had been shipped by J. G. Megler & Co., from Brookfield, Wash., on or about September 26, 1922, and transported from the State of Washington into the State of Tennessee, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Case) "Columbia River Pink Salmon Woody Island Brand Brookfield Packing Co. Brookfield, Wash."

Adulteration of the article was alleged in the libels for the reason that salmon or fish other than Columbia River pink salmon, to wit, Chinook salmon, had been substituted in whole or in part for pink salmon. Adulteration was alleged for the further reason that the article consisted in whole or in part of a filthy, decomposed, and putrid animal substance.

Misbranding of the article was alleged for the reason that the statement appearing on the labels, "Columbia River Pink Salmon," was false and misleading and was calculated to deceive and mislead the purchaser thereof, in that the said article was composed in whole or in part of decomposed Chinook salmon.

On June 28, 1923, no claimant having appeared for the property, decrees of the court were entered adjudging that the product be condemned as misbranded and adulterated, and it was ordered by the court that the said product be destroyed by the United States marshal.

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

**11809. Adulteration of butter. U. S. v. 11 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 17572. I. S. No. 4195-v. S. No. C-4054.)**

On or about June 23, 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 11 tubs of butter, remaining in the original tubs at Chicago, Ill., alleging that the article had been shipped by the Alobusha [Yalobusha] Cooperative Creamery, Water Valley, Miss., June 2, 1923, and transported from the State of Mississippi into the State of Illinois, 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 substance deficient in milk fat and high in moisture 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 said article, to wit, butterfat, had been in part abstracted therefrom.

On August 22, 1923, G. W. Bull 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.

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

**11810. Adulteration of tomato pulp. U. S. v. 891 Cases of Tomato Pulp. Consent decree of condemnation, forfeiture, and destruction. (F. & D. No. 9573. I. S. No. 6283-r. S. No. C-1031.)**

On January 11, 1919, the United States attorney for the Eastern District of Louisiana, 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 891 cases of tomato pulp, remaining unsold in the original unbroken packages at New Orleans, La., alleging that the article had been shipped by the Greco Canning Co., San Jose, Calif., October 16, 1918, and transported from the State of California into the State of Louisiana, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "De-Luxe Brand \* \* \* Concentrated Tomato Pulp Packed By Greco Canning Co. San Jose Santa Clara County Cal. \* \* \* Di-Lusso \* \* \* Salsa Di Pomodoro Lavorazione Prodotti Alimentari Greco Canning Co. San Jose, Cal."

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

On February 17, 1923, the claimant for the property having consented to a decree in order that the product might be destroyed, a decree of the court was entered ordering the condemnation and forfeiture of the said product.

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

**11811. Adulteration of coal-tar color. U. S. v. 1 1-Pound Can and 1 5-Pound Can of Coal-Tar Color. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 14671. I. S. Nos. 1669-t, 1670-t. S. Nos. C-2890, C-2891.)**

On March 26, 1921, the United States attorney for the Eastern District of Louisiana, 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 1 1-pound can and 1 5-pound can of coal-tar color, remaining unsold in the original unbroken packages at New Orleans, La., alleging that the article had been shipped by the W. B. Wood Mfg. Co., St. Louis, Mo., in two consignments, namely, on or about December 12, 1919, and March 2, 1921, respectively, and transported from the State of Missouri into the State of Louisiana, and charging adulteration in violation of the Food and Drugs Act. A portion of the article was labeled in part: "One Pound Net \* \* \* W. B. Wood Mfg. Co. \* \* \* St. Louis Mo. \* \* \* Complies With All Requirements Warranted \* \* \* Unadulterated No Added Salt Sugar Starch \* \* \* Acid Yellow Shade." The remainder of the said article was labeled in part: "5 Lbs. Net \* \* \* W. B. Wood Mfg. Co. \* \* \* St. Louis, Mo. \* \* \* Complies With All Requirements \* \* \* Quality Color \* \* \* Number 710 Contents Yellow."

Adulteration of the article was alleged in the libel for the reason that sodium sulphate and nonpermitted dye, with respect to a portion of the article, and sodium chloride and sodium sulphate, with respect to the remainder thereof, had been mixed and packed with and substituted wholly or in part for the said article. Adulteration was alleged with respect to both consignments of the article for the further reason that it contained an added poisonous or deleterious ingredient, to wit, arsenic, which might render it injurious to health.

On December 8, 1921, 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.

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