On March 15, 1923, no claimant having appeared for the property and an order having been theretofore entered providing for the confiscation and forfeiture of the product, judgment of the court was entered ordering that the said product be destroyed by the United States marshal.

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

11894. Adulteration of canned salmon. U. S. v. 550 Cases of Salmon. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 17354. I. S. No. 6026–v. S. No. C–3929.)

On March 17, 1923, the United States attorney for the Southern District of Mississippi, 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 550 cases of salmon, remaining in the original unbroken packages at Hattiesburg, Miss., alleging that the article had been shipped by the Seaboard Co., from Seattle, Wash., on or about November 16, 1921, and transported from the State of Washington into the State of Mississippi, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Can) "Kay-Square Brand * * * Select Pink Salmon * * * Kenai Packing Co. Seattle, Wash."

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 May 8, 1923, no claimant having appeared for the property, a decree of the court was entered adjudging the product to be subject to condemnation and forfeiture, and it was ordered by the court that it be destroyed by the United States marshal.

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

11895. Misbranding of tankage. U. S. v. Jacob E. Decker & Sons, a Corporation. Plea of guilty. Fine, $100 and costs. (F. & D. No. 17410. I. S. No. 5408-v.)

On May 18, 1923, the United States attorney for the Northern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Jacob E. Decker & Sons, a corporation, Mason City, Iowa, alleging shipment by said company, in violation of the Food and Drugs Act, on or about August 18, 1922, from the State of Iowa into the State of Minnesota, of a quantity of tankage which was misbranded. The article was labeled in part: (Sack) "100 Lbs. Net Decker's Protofod Sterilized Digester Tankage Guaranteed Analysis Protein 60% * * * Jacob E. Decker & Sons Mason City, Iowa."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained 52.22 per cent of protein.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "Guaranteed Analysis Protein 60%," borne on the sacks containing the article, regarding the said article and the ingredients and substances therein, was false and misleading, in that it represented that the said article contained not less than 60 per cent of protein, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained not less than 60 per cent of protein, whereas, in truth and in fact, it contained approximately 52.22 per cent of protein.

On June 26, 1923, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of $100 and costs.

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

11896. Adulteration and misbranding of evaporated apples. U. S. v. 665 Cases, et al., of Evaporated Apples. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 17546. I. S. Nos. 5548–v, 5549–v, 5550–v. S. No. C–3986.)

On May 29, 1923, the United States attorney for the District of Minnesota, 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 665 cases, 40 cases, and 180 cases of evaporated apples at Minneapolis, Minn., alleging that the article had been shipped by E. B. Holton, Webster, N. Y., April 6, 1923, and transported from the State of New York into the State of Minnesota, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled variously, in part: (Cases) "25 Lbs. Evaporated Apples 2630 Choice Daisy Brand Ring Packed

By E. B. Holton, Webster N. Y.;" "25 Lbs. Evaporated Apples 2631 Fancy Sunset Brand Ring Packed By E. B. Holton, Webster, N. Y.;" "25 Lbs. Evaporated Apples Fancy Knox Brand Ring 2632 Packed By E. B. Holton, Webster, N. Y."

Adulteration of the article was alleged in the libel for the reason that water had been mixed and packed with the article so as to reduce and lower and injuriously affect its quality and strength and in that insufficiently evaporated apples had been substituted for the said article.

Misbranding was alleged for the reason that the statement appearing in the labeling, "Evaporated Apples," was false and misleading and deceived and misled the purchaser.

On June 23, 1923, the Fist Brokerage Co., of Minneapolis, Minn., having appeared as claimant for the property as agent for E. B. Holton, Webster, N. Y., and having 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 $500, in conformity with section 10 of the act.

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

11897. Adulteration and alleged misbranding of pickles. U. S. v. 32 Cases of Sweet Pickles and 29 Cases of Sour Pickles. Default decree ordering destruction of the products. (F. & D. No. 17547. I. S. Nos. 6819-v, 6820-v. S. No. C-3987.)

On June 2, 1923, the United States attorney for the Southern District of Mississippi, 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 32 cases of sweet pickles and 29 cases of sour pickles, remaining in the original unbroken packages at Hattiesburg, Miss., alleging that the articles had been shipped by the Adam Bros. Co., from New Orleans, La., on or about November 22, 1922, and transported from the State of Louisiana into the State of Mississippi, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The articles were labeled in part, respectively: (Bottles) "Mother Hubbard Brand * * * Contents 6½ Fl. Oz. Sweet Pickles Packed By Adam Brothers Co. New Orleans, La. & Houston, Texas. Contains 1/10 of 1% Benzoate Of Soda;" "Mother Hubbard Brand * * * Contents 6½ Fl. Oz. Sour Pickles Packed By Adam Brothers Co. New Orleans, La. & Houston, Texas."

Adulteration was alleged with respect to the sweet pickles for the reason that saccharin had been mixed and packed therewith so as to reduce, lower, and injuriously affect their quality and strength and had been substituted wholly or in part for sugar. Adulteration was alleged for the further reason that the said sweet pickles contained an added poisonous or deleterious ingredient which would render said article injurious to health.

Misbranding was alleged with respect to the sour pickles for the reason that the statement, "6½ Fl. Oz.," was 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.

On August 20, 1923, no claimant having appeared for the property, it having appeared to the court that the products were adulterated, it was ordered by the court that they be destroyed by the United States marshal.

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

11898. Adulteration and misbranding of flour. U. S. v. 610 Sacks of Flour. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 17666. I. S. No. 8426-v. S. No. W-1395.)

On July 25, 1923, the United States attorney for the Northern District of California, 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 610 sacks of flour, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by the Hustler Flour Mills, from Salt Lake City, Utah, on June 26, 1923, and transported from the State of Utah into the State of California, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Sack) "Ranier Fancy Patent Flour * * * Bleached 98 Lbs. Net * * * When Packed."