

On January 25, 1928, the Arizona Cotton Oil Co., Glendale, Ariz., claimant, having admitted the allegations of the libel 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 costs and the execution of a bond in the sum of \$1,000, conditioned in part that it be relabeled in accordance with the provisions of the Federal food and drugs act.

ARTHUR M. HYDE, *Secretary of Agriculture.*

15945. Adulteration and misbranding of oysters. U. S. v. R. E. Roberts Co. (Wm. D. Gude & Co.). Plea of guilty. Fine, \$25 and costs. (F. & D. No. 22567. I. S. Nos. 14189-x, 14190-x, 14191-x, 14192-x.)

On July 6, 1928, the United States attorney for the District of Maryland, 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 R. E. Roberts Co., a corporation, trading as Wm. D. Gude & Co., Baltimore, Md., alleging shipment by said company, in violation of the food and drugs act as amended, on or about November 22, 1927, from the State of Maryland into the State of Ohio, of quantities of oysters which were adulterated and misbranded. The article was labeled in part: "Premium Brand * * * Oysters of Quality Packed by Wm. D. Gude & Co., Baltimore, Md. Contents 1 Pt. Net" (or "Contents 1 Qt. Net").

It was alleged in the information that the article was adulterated in that a substance, to wit, water, had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, and had been substituted in part for oysters, which the said article purported to be.

Misbranding was alleged with respect to a portion of the article for the reason that the statement, to wit, "Contents 1 Pt. Net," borne on the labels of the cans containing the said portion, was false and misleading in that the said statement represented that the cans each contained 1 pint of oysters, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the said cans each contained 1 pint of oysters, whereas they did not, but did contain a less quantity. Misbranding was alleged with respect to the said portion of the article for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On September 17, 1928, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25 and costs.

ARTHUR M. HYDE, *Secretary of Agriculture.*

15946. Adulteration and misbranding of vinegar. U. S. v. 61 Barrels of Vinegar. Decree of condemnation and forfeiture entered. Product released under bond. (F. & D. No. 22881. I. S. No. 24101-x. S. No. 943.)

On July 14, 1928, the United States attorney for the Western District of Pennsylvania, 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 61 barrels of vinegar at Kane, Pa., alleging that the article had been shipped by the Cassadaga Vinegar Works, from Cassadaga, N. Y., on or about May 9, 1928, and had been transported from the State of New York into the State of Pennsylvania, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Cassadaga Vinegar Works, Pure Cider Vinegar * * * Cassadaga, N. Y."

It was alleged in the libel that the article was adulterated in that a substance, evaporated apple vinegar, had been substituted wholly or in part for the said article and had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality or strength.

Misbranding was alleged for the reason that the statement "Pure Cider Vinegar," borne on the label, was false and misleading and deceived and misled the purchaser, and for the further reason that the article was offered for sale under the distinctive name of another article.

On September 15, 1928, John E. Pierpont, James Wilcox and Lyman Wilcox, copartners, trading as the Cassadaga Vinegar Works, Cassadaga, N. Y., having appeared as claimants for the property and having admitted the allegations of the libel, 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, conditioned in part that it be relabeled under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

15947. Adulteration of frozen poultry and dressed poultry. U. S. v. 1 Barrel of Frozen Poultry, et al. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 23039, 23040, 23060. I. S. Nos. 03019, 03020, 03022. S. Nos. 1123, 1124, 1152.)

On August 31 and September 7, 1928, respectively, the United States attorney for the Southern District of New York, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 2 barrels of frozen poultry and 1 barrel of dressed poultry at New York, N. Y., consigned by Edward Aaron, Inc., alleging that the article had been shipped in part from Fort Scott, Kans., and in part from Butler, Mo., in various lots, on or about August 16, August 18, and August 24, 1928, respectively, and had been transported from the States of Kansas and Missouri into the State of New York, and charging adulteration in violation of the food and drugs act.

It was alleged in the libels that the article was adulterated in that it consisted in part of a portion of an animal unfit for food and in that it was a product of a diseased animal. Adulteration was alleged with respect to a portion of the article for the further reason that it consisted in part of a decomposed animal substance.

On September 20 and September 27, 1928, 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.

ARTHUR M. HYDE, *Secretary of Agriculture.*

15948. Adulteration of dressed poultry. U. S. v. 2 Barrels, et al., of Dressed Poultry. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23066. I. S. No. 03025. S. No. 1162.)

On September 11, 1928, the United States attorney for the Southern 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 a libel praying seizure and condemnation of 2 barrels and 1 keg of dressed poultry, remaining unsold in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Naomi Produce Co., from Mount Vernon, Ind., on or about August 30, 1928, and transported from the State of Indiana into the State of New York, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed animal substance, in that it consisted in part of a portion of an animal unfit for food, and in that it was the product of a diseased animal.

On September 27, 1928, 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.

ARTHUR M. HYDE, *Secretary of Agriculture.*

15949. Adulteration of dressed poultry. U. S. v. 9 Barrels of Dressed Poultry. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 23059. I. S. No. 03023. S. No. 1151.)

On September 7, 1928, the United States attorney for the Southern 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 a libel praying seizure and condemnation of 9 barrels of dressed poultry, remaining in the original unbroken packages at New York, N. Y., consigned by the Seymour Packing Co., Topeka, Kans., alleging that the article had been shipped from Topeka, Kans., on or about August 25, 1928, and transported from the State of Kansas into the State of New York, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted in part of a portion of an animal unfit for food, and in that it was a product of a diseased animal.