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

On December 5, 1927, Garibaldi & Cuneo, Chicago, Ill., claimants, 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 the costs of the proceedings and the execution of a bond in the sum of $1,000, conditioned in part that the nuts be sorted, the bad portion destroyed, and the good portion released.

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

15457. Adulteration of figs. U. S. v. 33 Boxes of Figs. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 22100. I. S. No. 17275–x. S. No. 145.)

On or about October 19, 1927, the United States attorney for the Eastern 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 seizure and condemnation of 33 boxes of figs, remaining in the original unbroken packages at Yakima, Wash., consigned by the Sunland Sales Cooperative Assoc., Fresno, Calif., alleging that the article had been shipped from Fresno, Calif., on or about September 15, 1927, and transported from the State of California into the State of Washington, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Blue Ribbon Brand Choice Mission Figs. Produced and Packed by California Peach & Fig Growers, Fresno, California."

It was alleged in the libel that the article was adulterated, in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On December 3, 1927, 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.*

15458. Adulteration and misbranding of scallops. U. S. v. George H. Turner and William Spencer Smith (Turner, Smith & Co.). Pleas of guilty. Fine, $25. (F. & D. No. 21602. I. S. Nos. 7744–x, 16451–x.)

On October 25, 1927, the United States attorney for the Eastern District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against George H. Turner and William Spencer Smith, copartners, trading as Turner, Smith & Co., Wachapreague, Va., alleging shipment by said defendants, in part on or about January 26, 1927, and in part on or about February 22, 1927, from the State of Virginia into the State of Massachusetts, of quantities of scallops which were adulterated, and a portion of which were also misbranded. The article was contained in cans shipped in barrels, labeled in part: (Tag) "Turner, Smith & Co. * * * Wachapreague, Virginia * * * Packed 8 pounds to Can, 20 Gal. Scallops."

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 lower, reduce, and injuriously affect its quality and had been substituted in part for scallops, which the said article purported to be. Adulteration was alleged for the further reason that a valuable constituent of the article, to wit, scallop solids, had been in part abstracted.

Misbranding was alleged with respect to the portion of the product shipped January 26, 1927, for the reason that the statement "8 Pounds to Can," borne on the tags attached to the barrels containing the said cans, was false and misleading in that the said statement represented that each of the cans contained 8 pounds of scallops, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of said cans contained 8 pounds of scallops, whereas the cans containing the said portion of the product contained less than 8 pounds of scallops. Misbranding was alleged with respect to the said portion of the product 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 November 16, 1927, the defendants entered pleas of guilty to the information and the court imposed a fine of $25.

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