It was alleged in the libel that the article was adulterated in that a substance, excess shell, had been mixed and packed with and substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the designation "Pure Cocoa Powder" was false and misleading and deceived and misled the purchaser.

On July 7, 1928, E. & A. Opler (Inc.), 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 $300, conditioned in part that it be relabeled under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16106. Misbranding of figs. U. S. v. 25 Cases, et al., of Figs. Default decrees of condemnation and forfeiture. Product ordered destroyed or delivered to charitable institutions. (F. & D. Nos. 23122, 23123, 23124. I. S. Nos. 0736, 0737, 0738, 0739. S. No. 1221.)

On October 6, 1928, 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 libels praying seizure and condemnation of 80 cases of figs, remaining in the original unbroken packages at Portland, Oreg., alleging that the article had been shipped by Farnsworth & Ruggles, from San Francisco, Calif., on or about September 18, 1928, and transported from the State of California into the State of Oregon, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Giebeler's Fancy California Figs Grown and Packed by Giebeler's Fig Gardens, Merced, Calif. Net Weight 8 Oz. (or "Net Weight 4 Oz. When Packed") White California Figs."

It was alleged in the libels that the article was misbranded in that the statements "Net Weight 8 oz." and "Net Weight 4 oz.," where they appeared on the package labels, were 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, since the quantity stated was not correct.

On November 13, 1928, 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 or delivered to charitable institutions by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16107. Adulteration of frozen poultry. U. S. v. 1 Barrel of Frozen Poultry. Consent decree of condemnation and destruction entered. (F. & D. No. 22953. I. S. No. 02822. S. No. 1021.)

On August 7, 1928, the United States attorney for the District of Connecticut, 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 1 barrel of frozen poultry, remaining unsold in the original unbroken packages at New Haven, Conn., alleging that the article had been shipped by the Armour Creameries, Boonville, Mo., on or about July 17, 1928, and transported from the State of Missouri into the State of Connecticut, 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 filthy, decomposed, and putrid 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 25, 1928, the owner of the product 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 destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16108. Adulteration and misbranding of cocoa powder. U. S. v. 175 Barrels of Cocoa Powder. Decree of condemnation entered. Product released under bond. (F. & D. No. 22644. I. S. No. 17480-x. S. No. 624.)

On March 15, 1928, 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 seizure