

17127. Adulteration and misbranding of canned liquid frozen eggs. U. S. v. 516 Cans of Liquid Frozen Eggs. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24532. I. S. No. 033734. S. No. 2836.)

On February 15, 1930, 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 seizure and condemnation of 516 cans of liquid frozen eggs at Chicago, Ill., alleging that the article had been shipped by the Twin City Produce Co., from Minnesota Transfer, Minn., February 6, 1930, and transported from the State of Minnesota into the State of Illinois, and charging adulteration and misbranding in violation of the food and drugs act as amended.

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

Misbranding was alleged for the reason that the article was food in package form and failed to bear a plain and conspicuous statement of the quantity of the contents.

On March 19, 1930, the Twin City Produce Co., Minneapolis, Minn., 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 \$5,000, conditioned in part that it be salvaged under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17128. Adulteration and misbranding of vanilla extract. U. S. v. 3% Cartons of Vanilla Extract. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 24189. I. S. No. 024602. S. No. 2427.)

On October 30, 1929, the United States attorney for the Eastern District of Missouri, 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 3% cartons of vanilla extract, remaining in the original unbroken packages at St. Louis, Mo., alleging that the article had been shipped by the Atlanta Supply Co., Atlanta, Ga., on or about August 30, 1929, and transported from the State of Georgia into the State of Missouri, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Flavoring Extract Vanilla * * * Manufactured by the Atlanta Supply Co., Atlanta, Ga."

It was alleged in the libel that the article was adulterated in that an artificially-colored product deficient in vanilla had been substituted in part for the said article, and in that it was colored in a manner whereby inferiority was concealed.

Misbranding was alleged for the reason that the statement on the bottle label, "Flavoring Extract Vanilla," was false and misleading and deceived and misled the purchaser, and for the further reason that the article was an imitation of and was offered for sale under the distinctive name of another article.

On March 11, 1930, 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.*

17129. Adulteration of canned sardines. U. S. v. 75 Cases and 200 Cases of Canned Sardines. Default decrees of destruction entered. (F. & D. Nos. 24411, 24412. I. S. No. 013327. S. No. 2560.)

On or about January 4, 1930, 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 libels praying seizure and condemnation of 275 cases of sardines, remaining in the original unbroken packages, in part at Macon, Miss., and in part at Brookville, Miss., consigned by the Gurnet Fisheries Co., alleging that the article had been shipped from New York, N. Y., on or about October 5, 1929, and transported from the State of New York into the State of Mississippi, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Gurnet Brand American Sardines * * * Packed by the Gurnet Fisheries Co., Plymouth, Mass."

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.

On March 26, 1930, no claimant having appeared for the property, judgments were entered ordering that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17130. Adulteration of scallops. U. S. v. 1 Barrel of Scallops. Default decree of condemnation and forfeiture. Product delivered to charitable institution. (F. & D. No. 24635. I. S. No. 027604. S. No. 2896.)

On February 19, 1930, 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 1 barrel of scallops, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by Tawes & Co., Oyster, Va., on or about February 18, 1930, and transported from the State of Virginia 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 a substance, water, had been mixed and packed with and substituted in part for scallops.

On March 6, 1930, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the portion of the product fit for human consumption be delivered to a charitable institution, and the unfit portion, if any, destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17131. Adulteration and misbranding of canned cherries. U. S. v. 280 Cases of Canned Cherries. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 23927. I. S. No. 09859. S. No. 2183.)

On August 17, 1929, 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 280 cases of canned cherries, remaining in the original unbroken packages at Spokane, Wash., consigned by the Callahan Canning Co., Coeur d'Alene, Idaho, alleging that the article had been shipped from Coeur d'Alene, Idaho, on or about July 8, 1929, and transported from the State of Idaho into the State of Washington, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Nugget Brand Red Sour Pitted Cherries Packed for Powell-Sanders Co., Spokane, Wash."

It was alleged in the libel that the article was adulterated in that a substance, to wit, excessive pits, had been mixed and packed with and substituted in part for the said article.

Misbranding was alleged for the reason that the statement, to wit, "Pitted Cherries," borne on the label, was false and misleading and deceived and misled the purchaser.

On September 9, 1929, the Callahan Canning Co., Coeur d'Alene, Idaho, having appeared as claimant for the property 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 \$1,344, conditioned in part that it be relabeled in a manner satisfactory to this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17132. Adulteration and misbranding of butter. U. S. v. George Sommer. Plea of guilty. Fine, \$100. (F. & D. No. 23762. I. S. No. 08775.)

On February 14, 1930, the United States attorney for the Eastern District of Pennsylvania, 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 Sommer, Doylestown, Pa., alleging shipment by said defendant in violation of the food and drugs act as amended, on or about July 8, 1929, from the State of Pennsylvania into the State of Georgia, of a quantity of butter which was adulterated and misbranded. The article was labeled in part: "One Pound Net Weight Sommer Maid, Doylestown, Pa. Fancy Creamery Butter George Sommer, Doylestown, Pa."

It was alleged in the information that the article was adulterated in that a product purporting to be butter, but which was not butter in that it contained