

On January 27, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 135 cartons, each containing 24 jars of pimientos, at Cleveland, Ohio, alleging that the article had been shipped by the Pomona Products Co., Griffin, Ga., on or about October 15, 1930, and had been transported from the State of Georgia into the State of Ohio, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Jar) "Royal King Brand * * * Pimientos Grown & Packed by Pomona Products Co., Griffin, Ga."

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 March 5, 1931, the Pomona Products Co., Griffin, Ga., having appeared as claimant for the property and having consented to the entry of a decree, judgment was entered ordering that the product be released to the said claimant to be reconditioned under the supervision of this department, upon payment of costs and the execution of a bond in the sum of \$200, conditioned in part that it should not be disposed of in violation of the food and drugs act and other existing laws. The decree provided further that upon failure to recondition the product in accordance with the said bond, it be condemned and sold by the United States marshal under such terms and conditions as would not violate the food and drugs act, or be destroyed.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18247. Adulteration of canned salmon. U. S. v. 4,350 (1,271) Cases of Salmon. Tried to the court. Judgment for the Government. Decree of condemnation and forfeiture. Product released under bond to be reconditioned. (F. & D. No. 25203. I. S. Nos. 1100, 1191, 1194, 2054. S. No. 3478.)

Samples of canned salmon from the shipment herein described having been found to be tainted and stale, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Washington.

On October 28, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 4,350 cases, each containing 48 cans of salmon, at Seattle, Wash. Subsequently the libel was amended to cover the 1,271 cases which were all of the product seized by the United States marshal. It was alleged in the libel, and in the exhibit attached thereto and made a part thereof, that the article had been shipped on or about September 2, 1930, by the Superior Packing Co., in interstate commerce from Tenakee, Alaska, into the State of Washington and that having been so transported, it remained unsold in the original unbroken packages at Seattle, Wash., and that it was adulterated in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a decomposed animal substance.

On January 30, 1931, the Superior Packing Co., Seattle, Wash., having appeared as claimant for the property and having admitted the interstate shipment and identity of samples, the case came on for trial before the court. Evidence having been introduced on behalf of the Government and claimant, the court took the case under advisement. Before the entry of final judgment, however, the court ordered that the case be reopened and that a joint examination of further samples be conducted. On March 27, 1931, the results of the joint examination of samples were presented to the court, and arguments by counsel for the Government and claimant were heard. On March 30, 1931, the court handed down its findings of fact and conclusions of law, which were embodied in the decree entered on the same date sustaining the allegations of the libel and ordering condemnation and forfeiture of the product. The decree provided, however, that the product be delivered to the claimant upon payment of costs and the execution of a bond in the sum of \$4,000, conditioned in part that the portion that was not adulterated be separated from the portion that was decomposed, under the supervision of this department, and that the former be released and the latter destroyed.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18248. Adulteration and misbranding of Maple Maid sirup. U. S. v. 11 Cases of Maple Sirup. Default decree of forfeiture and sale. (F. & D. No. 22785. I. S. No. 9916-x. S. No. 812.)

Examination of the product herein described showed that it was a sirup made from cane sugar and maple sugar, with the former predominating, the

samples examined having been bound to contain approximately 15 per cent of maple sirup.

On May 21, 1928, the United States attorney for the District of Montana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 11 cases of Maple Maid sirup at Anaconda, Mont., alleging that the article had been shipped by the Early Coffee Co., Denver, Colo., on or about April 26, 1928, and had been transported from the State of Colorado into the State of Montana, and charging adulteration and misbranding in violation of the food and drugs act. The article was contained in pint, quart, and half-gallon cans labeled in part: "Maple Maid Syrup Made from Pure Refined Sugar and Maple Sugar, Manufactured by the Maple Maid Syrup Co., Denver, Colo." The label also bore a design showing a woman in the woods, carrying maple sap buckets.

It was alleged in substance in the libel that the article was adulterated in that it contained not more than 15 per cent of maple sirup, and in that sugar sirup had been substituted in part for the said article.

Misbranding was alleged for the reason that the statement "Maple Maid Syrup" and the design of trees and buckets, appearing on the labels, were false and misleading and were intended to deceive and did deceive and mislead the purchaser. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article.

The Early Coffee Co. filed its intervention in the case denying that the product was adulterated and misbranded.

On January 17, 1931, no appearance having been made by the intervenor or any other party, judgment of forfeiture was entered and it was ordered by the court that the product be sold by the United States marshal and that costs be assessed against the Early Coffee Co., intervenor.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18249. Adulteration of soft-shell walnuts. U. S. v. 2 Bags of Soft-Shell California Walnuts. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25864. I. S. No. 12202. S. No. 4103.)

Samples of soft-shell walnuts having been found to be moldy, wormy, empty, and shriveled, the Secretary of Agriculture reported the matter to the United States attorney for the District of Colorado.

On or about February 12, 1931, the United States attorney filed in the District Court aforesaid a libel praying seizure and condemnation of two bags of soft-shell walnuts, remaining in the original unbroken packages at Lamar, Colo., consigned by Jett and Wood Mercantile Co., Wichita, Kans., alleging that the article had been shipped from Wichita, Kans., on or about December 6, 1930, and had been transported from the State of Kansas into the State of Colorado, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "1929 Crop No. 1 Soft Shell California Walnuts Packed by C. C. Collins Co., Santa Ana, 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, and putrid vegetable substance.

On April 20, 1931, 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.*

18250. Adulteration of Greek string figs. U. S. v. 32 Cases, et al., of Greek String Figs. Consent decrees entered. Product released under bond to be reconditioned. (F. & D. Nos. 25381, 25480. I. S. Nos. 19278, 19279. S. Nos. 3657, 3753.)

Samples of Greek string figs from the shipments herein described having been found to be wormy and moldy, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Ohio.

On November 25 and December 11, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 32 cases and 25 boxes of Greek string figs at Cleveland, Ohio, alleging that the article had been shipped by the William A. Camp Co., New York, N. Y., in part on or about October 30, 1930, and in part on or about November 5, 1930, and had been transported from the State of New York into the State of Ohio, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Produce of Greece * * * Packed and Shipped by Seideman and Seideman. S. and S. Athena Brand, New York."