

Misbranding was alleged for the reason that the statements, to wit, "Extra Quality Meat Scraps," "Guaranteed Analysis Protein Min. 55% * * * Phos. Acid Max. 10%," with respect to a portion of the product, and the statements, to wit, "High Grade Meat Scraps," and "Guaranteed Analysis Protein Min. 45% * * * Phos. Acid Max. 10%," with respect to the remainder, borne on the labels, were false and misleading in that they represented that the article was extra quality or high-grade meat scraps containing not less than 55 per cent, or 45 per cent, as the case might be, of protein, and not more than 10 per cent of phosphoric acid; and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was extra quality or high-grade meat scraps, containing not less than the said declared amounts of protein, and not more than 10 per cent of phosphoric acid; whereas the article was not extra quality or high-grade meat scraps containing the declared amounts of protein and phosphoric acid, but was meat and bone meal containing less protein and more phosphoric acid than represented.

On September 25, 1930, a plea of nolo contendere was entered on behalf of the defendant company, and the court imposed a fine of \$25.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18430. Adulteration of rabbits. U. S. v. 2 Boxes of Rabbits. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25470. I. S. No. 8904. S. No. 3750.)

Samples of rabbits from the shipment herein described having shown evidence of decomposition and certain diseased conditions, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of New York.

On December 11, 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 two boxes of rabbits at Buffalo, N. Y., alleging that the article had been shipped by William and Thomas Mitchell, Carlton, Kans., on or about December 3, 1930, and had been 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 whole or in part of a filthy, decomposed, and putrid animal substance.

On January 21, 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.*

18431. Adulteration of rabbits. U. S. v. 67 Rabbits. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25478. I. S. No. 8906. S. No. 3769.)

Samples of rabbits from the shipment herein described having shown evidences of decomposition and certain diseased conditions, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of New York.

On December 11, 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 67 rabbits at Buffalo, N. Y., alleging that the article had been shipped by T. S. Wilson, from Spickard, Mo., on or about December 4, 1930, and had been transported from the State of Missouri 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 whole or in part of a decomposed animal substance.

On January 21, 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.*

18432. Adulteration of canned prunes. U. S. v. 150 Cases of Canned Prunes. Default decree of condemnation and destruction. (F. & D. No. 25932. I. S. No. 24032. S. No. 4161.)

Samples of canned prunes from the shipment herein described having been found to be decomposed, the Secretary of Agriculture reported the matter to the United States attorney for the District of Kansas.

On or about February 19, 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 150 cases of canned prunes, remaining in the original unbroken packages at Wichita, Kans., alleging that the article had been shipped by the Eugene Fruit Growers Association, from Eugene, Oreg., on or about November 26, 1930, and had been transported from the State of Oregon into the State of Kansas, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Winwood Brand Italian Prunes * * * The Winfield Wholesale Grocery Co., Distributors, Wichita, * * * Kansas."

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

On May 20, 1931, no claimant having appeared for the property, a decree was entered by the court, which was amended on June 22, 1931. The decree as amended found the product adulterated and ordered that it be condemned and destroyed.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18433. Adulteration and misbranding of frozen egg yolks. U. S. v. 962 Cans of Frozen Egg Yolks. Product ordered released under bond to be relabeled. (F. & D. No. 26255. I. S. No. 28308. S. No. 4590.)

Samples of canned frozen eggs from the shipment herein described having been found to contain added undeclared sugar, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Pennsylvania.

On April 21, 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 962 cans of frozen egg yolks, remaining in the original unbroken packages at Pittsburgh, Pa., alleging that the article had been shipped by the H. J. Keith Co. (Inc.), from Minneapolis, Minn., on or about March 7, 1931, and had been transported from the State of Minnesota into the State of Pennsylvania, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Packed in Minneapolis, Minn. Keiths Eggs Ovisco."

It was alleged in the libel that the article was adulterated in that egg yolks containing added sugar had been substituted for the said article.

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

On May 6, 1931, the H. J. Keith Co., New York, N. Y., claimant, having admitted the allegations of the libel and having consented to the entry of a decree of condemnation and forfeiture, judgment was entered ordering that the product be released to the said claimant to be relabeled under the supervision of this department, upon payment of costs and the execution of a bond in the sum of \$1,500, conditioned in part that it should not be disposed of in violation of the law.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18434. Adulteration of canned tuna. U. S. v. 15 Cases of Canned Tuna. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24437. I. S. No. 021892. S. No. 2699.)

Samples of canned tuna fish from the shipment herein described having been found to be decomposed, the Secretary of Agriculture reported the matter to the United States attorney for the District of Massachusetts.

On January 13, 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 15 cases of canned tuna, remaining in the original unbroken packages at Boston, Mass., alleging that the article had been shipped by the Westgate Sea Products Co., from San Diego, Calif., on or about November 18, 1929, and had been transported from the State of California into the State of Massachusetts, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Alamo Brand Tuna * * * Packed By Westgate Sea Products Company, San Diego, California."

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