

On July 1, 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 sacks of feed, remaining in the original unbroken packages at Monroe, N. C., alleging that the article had been shipped by the Shenandoah Milling Co., from Shenandoah, Va., on or about May 1, 1931, and had been transported from the State of Virginia into the State of North Carolina, and charging misbranding in violation of the food and drugs act. The article was labeled in part: (Sacks) "Blue Ridge Feed Analysis Protein 15% * * * Manufactured by Shenandoah Milling Company, Inc., Shenandoah, Virginia."

It was alleged in the libel that the article was misbranded in that the statement on the label, "Protein 15%," was false and misleading and deceived and misled the purchaser, in that the said statement represented that the article contained 15 per cent of protein, whereas it contained a less amount.

On August 24, 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.*

18832. Adulteration and misbranding of ground cardamon. U. S. v. Isidor Wertheimer (I. Wertheimer & Son). Plea of guilty. Fine, \$50. (F. & D. No. 26639. I. S. No. 020810.)

Samples of a product, purporting to be ground cardamon, having been found to consist of ground cardamon and ground ginger, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of New York.

At the September, 1931, term of the United States District Court aforesaid the United States attorney filed an information against Isidor Wertheimer, trading as I. Wertheimer & Son, New York, N. Y., alleging shipment by said defendant, in violation of the food and drugs act, on or about April 2, 1930, from the State of New York into the State of Michigan, of a quantity of ground cardamon which was adulterated and misbranded. The article was labeled in part: (Drum) "I. Wertheimer & Son, New York Pure Ground Cardamon."

It was alleged in the information that the article was adulterated in that a substance, ginger, had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, and had been substituted in part for pure ground cardamon, which the said article purported to be.

Misbranding was alleged for the reason that the statement, "Pure Ground Cardamon," borne on the drum containing the article, was false and misleading in that the said statement represented that the article consisted solely of pure ground cardamon; and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it consisted solely of pure ground cardamon; whereas it did not so consist, but was a product consisting of a mixture of ground cardamon and ground ginger. Misbranding was alleged for the further reason that the article was a mixture composed in part of ground ginger and was offered for sale under the distinctive name of another article.

On September 24, 1931, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$50.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18833. Adulteration of canned salmon. U. S. v. 194 Cases of Canned Salmon. Decree of condemnation entered. Product released under bond. (F. & D. No. 26870. I. S. No. 22327. S. No. 5057.)

Samples of canned salmon 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 Western District of Washington.

On August 13, 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 194 cases of canned salmon, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the Hood Bay Canning Co., Hood Bay, Alaska, on or about August 27, 1930, and had been transported from Alaska into the State of Washington, 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 August 26, 1931, the Hood Bay Canning Co., Hood Bay, Alaska, having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation was entered. The claimant having paid

all costs and having filed a bond in the sum of \$1,200, conditioned that the product should not be sold or otherwise disposed of contrary to the provisions of the Federal food and drugs act or the laws of any State, Territory, district, or insular possession, it was ordered by the court that the product be delivered to the said claimant.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18834. Adulteration and misbranding of alimentary paste. U. S. v. 298 Cases of Alimentary Paste. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26456. I. S. No. 29010. S. No. 4746.)

Examination of samples of alimentary paste from the shipment herein described having shown that the article was artificially colored to simulate an egg product, whereas it contained little or no egg, also that the cases contained less than the declared weight, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of New York.

On May 28, 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 298 cases of alimentary paste, remaining in the original packages at Brooklyn, N. Y., alleging that the article had been shipped by the Fulton Macaroni Co., from Jersey City, N. J., in various consignments, on or about April 20, April 27, April 28, May 2, and May 5, 1931, and had been transported from the State of New Jersey into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part, variously: "Broad 10 Lbs. Net 34;" "Twisted Vermicelli 12 Lbs. Net;" "Farfelle 12 Lbs. Net;" "Medie 10 Lbs. Net Medium 10 Lbs. Net;" "Fulton Macaroni Co., Jersey City, N. J., Fine 10 Lbs. Net."

It was alleged in the libel that the article was adulterated in that a substance deficient in egg and artificially colored had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality or strength, and had been substituted for egg alimentary paste, which the article purported to be. Adulteration was alleged for the further reason that the article was a product inferior to egg alimentary paste and was artificially colored with turmeric, so as to simulate the appearance of egg alimentary paste, and in a manner whereby its inferiority to egg alimentary paste was concealed.

Misbranding was alleged for the reason that the statements, "Broad 10 Lbs. Net," "Vermicelli 12 Lbs. Net," "Farfelle 12 Lbs. Net," "Medie 10 Lbs. Net," and "Fine 10 Lbs. Net," borne on the cases containing the article, 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 package, since the quantity stated thereon was incorrect. Misbranding was alleged for the further reason that the article was deficient in egg, and artificially colored in imitation of egg alimentary paste, and was offered for sale and sold under the distinctive name of another article.

On June 29, 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.*

18835. Adulteration and misbranding of frozen eggs. U. S. v. 1,284 Cans, et al., of Frozen Eggs. Decrees of condemnation and forfeiture. Product released under bond. (F. & D. No. 26909. I. S. Nos. 30338 to 30842, incl. S. No. 5093.)

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

On August 22, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 6,574 cans of frozen eggs, remaining in the original unbroken packages at Philadelphia, Pa., alleging that the article had been shipped by the W. B. Parrott Co., from Manning, Iowa, in various consignments, on or about March 31, April 4, April 10, April 14, and April 22, 1931, and had been transported from the State of Iowa into the State of Pennsylvania, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Can) "Frozen 30 Lbs. Net Fleischmann's Spring Laid Eggs Distributed By Standard Brands Incorporated, New York City."