19809. Adulteration of walnut meats. U. S. v. 25 Cartons of Walnut Meats. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 27989. I. S. No. 32623. S. No. 6038.)

This action involved an interstate shipment of walnut meats, samples of which were found to be moldy and insect-infested.

On April 9, 1932, the United States attorney for the District of Colorado, 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 25 cartons of walnut meats, remaining in the original unbroken packages at Denver, Colo., consigned by Leon Mayer, Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about March 18, 1932, from Los Angeles, Calif., to Denver, Colo., 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, or putrid vegetable substance.

On May 11, 1932, Leon Mayer, Los Angeles, Calif., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant for reconditioning under the supervision of this department, upon payment of costs and the execution of a bond in the sum of $300, conditioned in part that the walnuts should not be sold or disposed of contrary to the laws of the United States or of the State of Colorado. In supervising the reconditioning this department required the separation and destruction of the unfit portion.

HENRY A. WALLACE, *Secretary of Agriculture.*

19810. Alleged adulteration of scallops. U. S. v. Wallace M. Quinn (The Wallace M. Quinn Co.). Tried to a jury. Verdict of not guilty. (F. & D. No. 26647. I. S. Nos. 5684, 16025, 27968, 28476, 29351, 29352, 29353.)

This action was based on several interstate shipments of scallops. Samples taken from each of the shipments were found to contain a greater amount of water than is normal to scallops.

On October 29, 1931, the United States attorney for the Eastern District of North Carolina, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against Wallace M. Quinn, trading as the Wallace M. Quinn Co., Morehead City, N. C., charging shipment by said defendant in violation of the food and drugs act, between the dates of March 10 and March 13, 1931, from the State of North Carolina into the States of Massachusetts, Pennsylvania, and New York, and the District of Columbia, of quantities of scallops that were alleged to be adulterated.

It was alleged in the information that the article was adulterated in that an added substance, water, 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 the said article; and for the further reason that scallop solids, a valuable constituent of the article, had been, in part, abstracted.

On April 12, 1932, the case was tried to a jury. The Government introduced its evidence at the conclusion of which the defense moved for a directed verdict, which motion was argued by counsel and overruled by the court. After the completion of defendant's testimony the defense again moved for a directed verdict, which was overruled, and the case went to the jury on the court's charge. The jury retired, and after due deliberation returned a verdict of not guilty.

HENRY A. WALLACE, *Secretary of Agriculture.*

19811. Adulteration and misbranding of vinegar. U. S. v. 62 Cases of Vinegar. Default decree of condemnation and forfeiture. Product delivered to a charitable institution. (F. & D. No. 27913. I. S. No. 32604. S. No. 5948.)

This action involved the interstate shipment of a quantity of vinegar, samples of which were found to be deficient in acidity.

On March 15, 1932, the United States attorney for the District of New Mexico, 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 62 cases of vinegar, remaining in the original