

ment and cure of the ailments and diseases for which it was prescribed and recommended.

On October 25 and March 10, 1920, respectively, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

E. D. BALL, *Acting Secretary of Agriculture.*

9023. Adulteration and misbranding of tuna fish. U. S. * * * v. 233 Cases, 2,500 Cases, 664 Cases, and 249 Cases of Tuna Fish. Consent decrees of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 12016 to 12059, incl., 12073 to 12087, incl. I. S. Nos. 13523-r, 14151-r, 13525-r, 14158-r, 14159-r. S. Nos. E-1910, E-1913, E-1973, E-1976.)

On January 9 and February 13, 1920, the United States attorney for the Northern 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 libels for the seizure and condemnation of 233 cases, 2,500 cases, 664 cases, and 249 cases of tuna fish, at various places in the Northern District of New York, alleging that the article had been shipped by the White Star Canning Co., E. San Pedro, Calif., on or about September 25, October 2, September 23, and September 13, 1919, respectively, and transported from the State of California into the State of New York, and charging adulteration and misbranding in violation of the Food and Drugs Act. A portion of the article was labeled in part, "Radio Brand Blue Fin Tuna * * * White Meat Tuna * * * Selected White Meat of California Tuna * * * White Star Canning Co. San Pedro, Cal." The remainder was labeled in part, "Del Monte Brand California Tuna * * * California Tuna * * * Distributed by California Packing Corporation, Main Office San Francisco, California."

Adulteration of the article was alleged in the libels for the reason that skip-jack or bonita, in the case of the Del Monte brand, or striped tuna (*Gymnosarda peltamis*), in the case of the Radio brand, had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality, and had been substituted wholly or in part for California tuna.

Misbranding was alleged in substance for the reason that the labeling bore statements, designs, and devices regarding the article or the ingredients or substances contained therein which were false and misleading and which were intended to and would deceive and mislead the purchaser into the belief that the article was genuine blue fin, white meat tuna, i. e., selected white meat of California tuna, whereas, in truth and in fact, it was not, but was other and inferior meats of other kinds of fish, and for the further reason that it was sold in imitation of another article having a distinctive name.

On March 20 and March 23, 1920, the White Star Canning Co., E. San Pedro, Calif., claimant, having admitted the allegations of the libels and consented to the entry of decrees, it was ordered by the court that the product be released to said claimant upon the payment of the costs of the proceedings and the execution of bonds in the aggregate sum of \$4,000, in conformity with section 10 of the act, conditioned in part that the goods be relabeled under the supervision of this department.

E. D. BALL, *Acting Secretary of Agriculture.*

9024. Adulteration and misbranding of olives. U. S. * * * v. 101 Barrels * * * and 95 Kegs * * * of Olives. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 12514. I. S. No. 9519-r. S. No. C-1892.)

On or about March 20, 1920, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 101 barrels, 30 gallons each, and 95 kegs, 16 gallons each, invoiced as 32,033 pounds,