

added poisonous or other added deleterious ingredient which might have rendered it injurious to health, to wit, a copper cent.

On January 7, 1932, 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.*

19340. Adulteration of tullibeas. U. S. v. 100 Boxes of Frozen Tullibeas. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27320. I. S. No. 39382. S. No. 5504.)

Samples of frozen tullibeas from the shipment herein described having been found to be infested with triaenophorous cysts (indicating worm infestation), the Secretary of Agriculture reported the matter to the United States attorney for the Western District of New York.

On November 30, 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 100 boxes of frozen tullibeas, remaining in the original unbroken packages at Buffalo, N. Y., consigned by the Nordic Fish Co., alleging that the article had been shipped from Winnipeg, Manitoba, Canada, on May 28, 1931, 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 wholly or in part of a filthy, decomposed, or putrid animal substance.

On December 30, 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.*

19341. Adulteration and misbranding of evaporated apples. U. S. v. John Rankin (Rankin & Son). Plea of guilty. Fine, \$10. (F. & D. No. 26550. I. S. No. 14825.)

The product involved in this action consisted of insufficiently evaporated apples. It was also partly decomposed and was short weight.

On August 3, 1931, the United States attorney for the Western District of Arkansas, 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 John Rankin, trading as Rankin & Son, Johnson, Ark., alleging shipment by said defendant, in violation of the food and drugs act, on or about January 12, 1931, from the State of Arkansas into the State of Oklahoma, of a quantity of evaporated apples that were adulterated and misbranded. The article was labeled in part: (Boxes) "Net Wt. 25 Lbs. when packed Our Pride Evaporated Apples Packed by Rankin and Son, Springfield, Ark."

Adulteration of the article was alleged in the information for the reason that a substance, to wit, insufficiently evaporated apples, had been substituted in part for evaporated apples, which the said article purported to be. Adulteration was alleged for the further reason that the article consisted in whole and in part of a filthy and decomposed and putrid vegetable substance.

Misbranding was alleged for the reason that the statements, to wit, "Evaporated Apples" and "Net Wt. 25 Lbs.," borne on the boxes, were false and misleading in that the said statements represented that the article consisted wholly of evaporated apples and that each of the boxes contained 25 pounds net weight of the said article; 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 wholly of evaporated apples and that each of the boxes contained 25 pounds net of the article; whereas it consisted in part of insufficiently evaporated apples, and each of said boxes did not contain 25 pounds of the said article, but did contain a less amount.

On November 7, 1931, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$10.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19342. Adulteration of pecans in shell. U. S. v. 20½ Cases of Pecans in Shell. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 27364. I. S. No. 9098. S. No. 5553.)

Samples of pecans from the shipment herein described having been found to be moldy and decomposed, the Secretary of Agriculture reported the matter to the United States attorney for the District of Maryland.

On December 12, 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 20½ cases of pecans in shell, remaining in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped on or about November 30, 1931, by the Sanitary Grocery Co. (Inc.), from Washington, D. C., and had been transported from the District of Columbia into the State of Maryland, 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 part of a decomposed vegetable substance.

On January 15, 1932, the Consolidated Pecan Sales Co., Albany, Ga., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be delivered to the said claimant upon payment of costs and the execution of a bond in the sum of \$250, conditioned in part that it should not be sold or disposed of contrary to the Federal food and drugs act, and all other laws, and further conditioned that the bad portion be destroyed under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19343. Adulteration of butter. U. S. v. 15 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reworked. (F. & D. No. 27835. I. S. No. 5377. S. No. 5802.)

Samples of butter from the shipment herein described having been found to contain less than 80 per cent of milk fat, the standard provided by Congress, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of New York.

On January 25, 1932, 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 tubs of butter at New York, N. Y., alleging that the article had been shipped by the Garrison Cooperative Creamery Association, Garrison, Iowa, on or about January 16, 1932, and had been transported from the State of Iowa 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 a product containing less than 80 per cent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 per cent of milk fat as provided by the act of March 4, 1923.

The Garrison Cooperative Creamery Association, Garrison, Iowa, interposed a claim for the product and admitted the allegations of the libel, consented to the entry of a decree, and agreed that the product be reconditioned so that it contain at least 80 per cent of butterfat. On January 27, 1932, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$400, conditioned in part that it be reworked so that it comply with the Federal food and drugs act and all other laws, and that it should not be disposed of until examined and approved by this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19344. Adulteration of canned salmon. U. S. v. 1,198 Cases of Canned Salmon. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 27660. I. S. No. 22582. S. No. 5738.)

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

On January 14, 1932, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 1,198 cases of canned salmon, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped on or about October 3, 1930, by the Grimes Packing Co., from Ouzinkie, Alaska, and had been transported in interstate commerce from the Territory of 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 January 29, 1932, O. L. Grimes, claimant, having filed a stipulation admitting the allegations of the libel and having consented to the entry of