

It was alleged in the libel that the article was adulterated in that a substance deficient in fat had been substituted for Swiss cheese, which the article purported to be.

On December 13, 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.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20495. Adulteration of dressed chickens. U. S. v. 3 Boxes Containing 23 Chickens. Decree of condemnation, forfeiture, and destruction. (F. & D. no. 29053. Sample no. 17253-A.)**

This action involved the interstate shipment of dressed chickens which were diseased and decomposed.

On October 13, 1932, the United States attorney for the Southern District of California, 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 three boxes containing 23 dressed chickens, remaining in the original unbroken packages at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about October 1, 1932, by the Jerome Cooperative Creamery, from Jerome, Idaho, to Los Angeles, Calif., and charging adulteration in violation of the Food and Drugs Act. The boxes were labeled in part: "No. 2 Col Fowls"; "No. 2 Fryers."

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 animal substance, and was the product of diseased animals.

On November 18, 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.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20496. Adulteration of canned salmon. U. S. v. 865 Cases of Canned Salmon. Portion of product released unconditionally. Consent decree condemning 70 27/48 cases. Order of release under bond for separation and destruction of unfit portion. (F. & D. no. 28739. Sample no. 1478-A.)**

This action involved a shipment of canned salmon, consisting of various coded lots. One of the coded lots, which was intermingled with the entire shipment, was found to be in part decomposed.

On August 20, 1932, the United States attorney for the Western District of Washington, 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 865 cases of canned salmon, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the Kodiak Fisheries Co., from Kodiak, Alaska, on or about July 9, 1932, to Seattle, Wash., and charging adulteration in violation of the Food and Drugs Act. The cases were labeled "Kodiak Fish Kodiak", and coded variously "K045, etc."

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 November 14, 1932, the Kodiak Fisheries Co., Kodiak, Alaska, having appeared as claimant for the property, the court entered an order releasing all salmon with the exception of the lot coded "K045", consisting of 70 cases and 27 cans. On December 1, 1932, the claimant having admitted the allegations of the libel with respect to the said lot and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered. The court having found that a portion of the condemned goods might be unadulterated, ordered that it be released to the claimant upon payment of costs and the execution of a bond, conditioned that the unfit salmon be segregated and destroyed.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20497. Adulteration of canned shrimp. U. S. v. 496 Cases of Canned Shrimp. Decree of condemnation, forfeiture, and destruction. (F. & D. no. 28368. Sample no. 11058-A.)**

This action involved the interstate shipment of a quantity of canned shrimp which was found to be in part decomposed.

On June 2, 1932, the United States attorney for the Southern District of New York, 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 496 cases of canned shrimp, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about April 26, 1932, by Dorgan, McPhillips Packing Corporation from Mobile, Ala., to New York, N. Y., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Cans) "Gulf Kist Brand Fancy Medium Shrimp Packed by Dorgan, McPhillips Packing Corp., Mobile, Ala."

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

On June 23, 1932, no appearance or claim having been entered, judgment of condemnation, forfeiture, and destruction was decreed and the court ordered the product destroyed by the United States marshal. Subsequently the Great Atlantic & Pacific Tea Co., at New York, N. Y., appeared on behalf of the Dorgan, McPhillips Packing Corporation and filed a motion to vacate the decree, and on July 6, 1932, an order was entered granting the motion and permitting intervenor to file a claim and stipulation for costs. On December 2, 1932, the claim was withdrawn and the court ordered that the writ of destruction issue. The motion to withdraw stipulation for costs was denied and costs were assessed against claimant.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20498. Misbranding of sirup. U. S. v. 10½ Cases, et al., of Sirup. Product released under bond to be relabeled. (F. & D. no. 28794. Sample nos. 2245-A, 2246-A, 2247-A.)**

This action involved the interstate shipment of a product represented to be cane-flavored sirup, sample cans of which were found to contain less than the declared volume. Examination also showed that the article contained no flavor of cane sirup.

On August 25, 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 16 cases and 42 cases of sirup, remaining in the original packages at Clovis, N. Mex., alleging that the article had been shipped in interstate commerce, in part on or about April 15, 1932, and in part on or about June 18, 1932, by the H. A. Marr Grocery Co., from Amarillo, Tex., to Clovis, N. Mex., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Cans) "Bliss Pancake Brand Cane Flavor Syrup Bliss Syrup and Preserving Co., Kansas City, Mo. Net Weight 2 Lbs. 8 Ozs. [or "Net Weight Five Lbs.]."

It was alleged in the libel that the article was misbranded in that the statements, "Contents Two Lbs. Eight Ozs.", "Contents Five Lbs.", and "Cane Flavor", borne on the can labels, were false and misleading and deceived and misled the purchaser, since the cans contained less than the declared weight, and since the article had no flavor of cane sirup. 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 statements made were incorrect.

On December 7, 1932, the Bliss Syrup & Preserving Co., Kansas City, Mo., having appeared as claimant for the property and having admitted the allegations of the libel and the court having found that the product should be relabeled to show its true nature and the correct quantity of the contents in terms of fluid measure, judgment was entered ordering that the product be released to the claimant upon payment of costs and execution of a bond in the sum of \$200. conditioned that the cans labeled "5 Lbs." be relabeled "Contents **3 Pints 4 Fluid Ounces**", that the cans labeled "2 Lbs. 8 Ozs." be relabeled "One Pint 8 Fluid Ounces", and that the statement "Cane Flavor" be completely removed from the label.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20499. Adulteration of butter. U. S. v. 11 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reworked. (F. & D. no. 28843. Sample no. 12024-A.)**

This action involved the interstate shipment of a quantity of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter prescribed by Congress.

On August 9, 1932, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the