

deceived and misled the purchaser when applied to articles which were short of the declared volume; and for the further reason that the articles were food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages, since the statement made was not correct. Misbranding was alleged with respect to the cherry and grape sirups for the further reason that the statement, "Cherry A Pure Fruit Juice Flavored Syrup," was false and misleading and deceived and misled the purchaser when applied to an artificially flavored product; and in that the statement, "Vegetable Color," on the labeling of the grape sirup, was false and misleading, and deceived and misled the purchaser when applied to an article colored with a coal-tar dye.

On June 5, 1931, the Za-Rex Co. (Inc.), Boston, Mass., 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 products be released to the said claimant upon payment of costs and the execution of a good and sufficient bond conditioned in part that they should not be disposed of contrary to law.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18712. Adulteration and misbranding of canned shrimp. U. S. v. 250 Dozen Cans of Shrimp. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26465. I. S. No. 30701. S. No. 4761.)

Examination of samples of canned shrimp from the shipment herein described having shown that the article was decomposed and that the cans contained less than the weight declared on the label, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Pennsylvania.

On June 4, 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 250 dozen cans of shrimp, remaining in the original unbroken packages at Philadelphia, Pa., consigned by the Louisiana Oyster & Fish Co., Berwick, La., alleging that the article had been shipped from New Orleans, La., on or about October 9, 1930, and had been transported from the State of Louisiana into the State of Pennsylvania, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Can) "Deep C Brand Shrimp Louisiana Oyster and Fish Co., Inc., Berwick, La. Wet Pack Contents 5¾ oz."

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

Misbranding was alleged for the reason that the statement on the label, "Wet Pack Contents 5¾ oz.," was false and misleading and deceived and misled the purchaser; and 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, the statement made being incorrect.

On June 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.*

18713. Adulteration of canned pumpkin. U. S. v. 30 Cases of Canned Pumpkin. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26413. I. S. No. 29790. S. No. 4741.)

Samples of canned pumpkin from the shipments herein described having been found to be decomposed, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Pennsylvania.

On May 26, 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 30 cases of canned pumpkin, remaining in the original unbroken packages at Chester, Pa., consigned by Wm. Laning & Son Co., Bridgeton, N. J., alleging that the article had been shipped from Bridgeton, N. J., in part on or about November 26, 1930, and in part on or about February 4, 1931, and had been transported from the State of New Jersey into the State of Pennsylvania, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Silver Lake Brand Fancy Pumpkin * * * Packed by Wm. Laning & Son Co., Bridgeton, * * * N. J."

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

On June 25, 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.*

18714. Misbranding and alleged adulteration of canned grapefruit juice. U. S. v. 249 Cases of Canned Grapefruit Juice. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 26415. I. S. No. 22261. S. No. 4731.)

Samples of canned grapefruit juice from the shipment herein described having been found to contain added sugar, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Washington.

On May 25, 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 249 cases of canned grapefruit juice, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the Florida Gold Citrus Corporation, from Winter Haven, Fla., on or about April 2, 1931, and had been transported from the State of Florida into the State of Washington, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Can) "Happy Home Brand Grapefruit Juice Highest Quality Schwabacher Brothers & Co., Inc., Seattle, Wash., Distributors."

It was alleged in the libel that the article was adulterated in that sugar had been substituted in part for the said article.

Misbranding was alleged for the reason that the statement "Grapefruit Juice," appearing on the label, was false and misleading and deceived and misled the purchaser when applied to grapefruit juice containing added sugar. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article.

On June 20, 1931, Schwabacher Bros. & Co. (Inc.), Seattle, Wash., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment was entered finding the product misbranded and ordering its condemnation and forfeiture, and it was further 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 \$100, conditioned in part that it be relabeled under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18715. Adulteration of herring. U. S. v. 200 Pounds of Herring. Default decree of destruction. (F. & D. No. 26800. I. S. No. 25774. S. No. 4958.)

Samples of herring from the shipment herein described having been found to be filthy and unfit for food, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of Ohio.

On July 22, 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 200 pounds of herring at Cincinnati, Ohio, alleging that the article had been shipped by the Booth Fisheries Co., Duluth, Minn., on or about July 16, 1931, and had been transported from the State of Minnesota into the State of Ohio, 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 contained triaenophori, and consisted in whole or in part of a filthy, decomposed, or putrid animal substance, and in that it consisted of a portion of an animal unfit for food.

On August 4, 1931, no claimant having appeared for the property, judgment was entered nunc pro tunc as of July 22, 1931, ordering that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18716. Adulteration and misbranding of butter. U. S. v. 37 Tubbs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 26437. I. S. No. 29347. S. No. 4639.)

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,