

On September 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 25 barrels of cocoa, remaining in the original unbroken packages at Union City, N. J., alleging that the article had been shipped by M. Bernstein, Brooklyn, N. Y., on or about August 31, 1931, and had been transported from the State of New York into the State of New Jersey, and charging adulteration and misbranding in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a substance, excessive shell material, had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality or strength, and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statement on the label, "Pure Cocoa," was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article.

On November 9, 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.*

**19010. Adulteration and misbranding of canned shrimp. U. S. v. 370 Cases of Canned Shrimp. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 26874. I. S. No. 34136. S. No. 5053.)**

Examination of samples of canned shrimp from the shipment herein described having shown that the article contained excessive brine and that the drained weight of the contents of the cans was less than the weight declared on the label, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of New York.

On August 14, 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 370 cases of canned shrimp at New York, N. Y., alleging that the article had been shipped by the Southern Shell Fish Co. (Inc.), Harvey, La., on or about July 1, 1931, and had been transported from the State of Louisiana into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Can) "Palm Brand Baratavia Shrimp Packed by Southern Shell Fish Co., Harvey La., U. S. A. Wet Pack 5¾ Oz. Net Weight."

It was alleged in the libel that the article was adulterated in that a substance, an excessive quantity of brine, had been substituted in part for the said article.

Misbranding was alleged for the reason that the statement on the can, "Wet Pack 5¾ Oz. Net Weight," was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was food in package form and failed to bear a plain and conspicuous statement of the quantity of the contents, since the statement was placed in an inconspicuous position on the label, and was not correct.

On November 5, 1931, the Southern Shell Fish Co., Harvey, La., 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 released to the said claimant upon payment of costs and the execution of a bond in the sum of \$500, conditioned in part that it be relabeled under the supervision of this department, so that the following statement appear conspicuously on the can label: "Slack Filled Minimum Contents 5¼ Ozs. This Size Can Should Contain 5¾ Ozs. Shrimp," and further conditioned that the product should be disposed of by the claimant only in compliance with the law, State and Federal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**19011. Adulteration of canned salmon. U. S. v. 820 Cases of Coho Salmon. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 27042. I. S. No. 22370. S. No. 5273.)**

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

On October 5, 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 820 cases of canned salmon, remaining in the original unbroken

packages at Seattle, Wash., alleging that the article had been shipped by the Sebastian Stuart Fish Co., from Tyee, Alaska, on or about August 20, 1931, and had been transported from 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 November 19, 1931, the Sebastian Stuart Fish Co., Seattle, Wash., 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 \$1,000, conditioned in part that it be sorted under the supervision of this department in order to separate the good portion from the decomposed portion and further conditioned that it should not be sold or otherwise disposed of contrary to the provisions of the Federal food and drugs act, or the laws of any State, Territory, district, or insular possession. The decree further ordered that upon compliance with the conditions of the bond, the unadulterated portion be released and the remainder destroyed.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**19012. Misbranding of flour. U. S. v. The Abilene Flour Mills Co. Plea of guilty. Fine, \$50 and costs. (F. & D. No. 26644. I. S. No. 24705.)**

Sample sacks of flour from the shipment herein described having been found to be short of the declared weight, the Secretary of Agriculture reported the matter to the United States attorney for the District of Kansas.

On October 8, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid an information against the Abilene Flour Mills Co., a corporation, trading at Abilene, Kans., alleging shipment by said company, in violation of the food and drugs act as amended, on or about March 5, 1931, from the State of Kansas into the State of Illinois, of a quantity of flour that was misbranded. The article was labeled in part: (Sack) "Better Bread Flour, Abilene Flour Mills Co., Abilene, Kans. \* \* \* Bleached Net Weight 5 Lbs. when packed."

It was alleged in the information that the article was misbranded in that the statement, "Net Weight 5 Lbs.," borne on the said sacks, was false and misleading in that the said statement represented that each sack contained 5 pounds net weight of flour; and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of the said sacks contained 5 pounds net of flour; whereas the sacks did not each contain 5 pounds net of the said article, but did contain a less amount. 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.

On October 31, 1931, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50 and costs.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**19013. Adulteration of tomato puree. U. S. v. 51 Cases of Tomato Puree. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26789. I. S. No. 13219. S. No. 4914.)**

Samples of tomato puree from the shipment herein described having been found to contain excessive mold, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of California.

On July 13, 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 51 cases of tomato puree, remaining in the original unbroken packages at Los Angeles, Calif., alleging that the article had been shipped by the Kaysville Canning Co., Kaysville, Utah, on or about March 8, 1930, and had been transported from the State of Utah into the State of California, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Newmark Special Brand Extra Tomato Puree Packed for M. A. Newmark & Co., Los Angeles."

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

On November 12, 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.*