

**19586. Adulteration of dried grapes. U. S. v. 25 Boxes of Dried Grapes. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27676. I. S. No. 22890. S. No. 5757.)**

This action involved the interstate shipment of a quantity of dried grapes which, upon examination, were found to be in part filthy and insect-infested.

On January 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 25 boxes of the said dried grapes, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped in interstate commerce, on or about January 7, 1932, by the Rosemel Fruit Co., from San Francisco, Calif., to Seattle, Wash., 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 filthy, decomposed, or putrid vegetable substance.

On March 15, 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.*

**19587. Adulteration of fig paste. U. S. v. 260 Cases of Fig Paste. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 27658. I. S. No. 22447. S. No. 5739.)**

Samples of fig paste taken from the shipment involved in this action 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 260 cases of the said fig paste, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped in interstate commerce, on or about October 19, 1931, by Anton Beban, Madera, Calif., to Seattle, Wash., and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Fig Paste Anton Beban Madera, Cal."

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

On March 11, 1932, George Beban, Madera, Calif., claimant, 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 that it should not be sold or otherwise disposed of contrary to the provisions of the Federal food and drugs act, and of all other laws, and further conditioned that the unadulterated portion be separated from the decomposed portion under the supervision of this department, the former released and the latter destroyed.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**19588. Adulteration of butter. U. S. v. 10 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 27837. I. S. No. 5378. S. No. 5801.)**

Samples of butter from the shipment involved in this action having been found to contain less than 80 per cent by weight of milk fat, the standard prescribed 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 10 tubs of butter at New York, N. Y., alleging that the article had been shipped in interstate commerce by the Winter Cooperative Creamery, Winter, Wis., to New York, N. Y., on or about January 18, 1932, 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.

Hunter Walton & Co., New York, N. Y., interposed a claim for the product, as agent for the Winter Cooperative Creamery Co., Winter, Wis., owner, 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 February 2, 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 \$300, or the deposit of cash collateral in like amount, conditioned in part that it be reworked so that it comply with the Federal food and drugs act, and all other laws.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**19589. Adulteration and misbranding of dried egg yolk. U. S. v. Joe Lowe Corporation. Tried to the court. Judgment of guilty. Fine, \$75. (F. & D. No. 26567. I. S. No. 036845.)**

This action was based on the interstate shipment of a quantity of an article represented to be a dried egg product, and which was found to consist in part of lactose, a milk product.

On October 10, 1931, the United States attorney for the Northern District of Illinois, 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 the Joe Lowe Corporation, trading at Chicago, Ill., alleging shipment by said company, in violation of the food and drugs act, on or about May 3, 1930, from the State of Illinois into the State of Minnesota, of a quantity of an egg product that was adulterated and misbranded. The article was labeled in part: (Barrel) "Jo Lo Certified Eggs Certified Egg Products Jo Lo A A Joe Lowe Co., Incorporated, New York."

It was alleged in the information that the article was adulterated in that an added milk product, namely, a lactose-containing ingredient, had been substituted in part for a product purporting to be made exclusively from eggs, which the article purported to be.

Misbranding was alleged for the reason that the statements, "Certified Eggs" and "Certified Egg Products," borne on the label, were false and misleading; and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser, since the said statements represented that the article was made exclusively from and consisted solely of eggs; whereas it was a product made in part from and consisted of an undeclared added substance, a lactose-containing ingredient.

On March 31, 1932, the case came on for trial before the court on a plea of not guilty entered on behalf of the defendant company. After a hearing by the court, judgment of guilty was entered and a fine of \$75 was imposed.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**19590. Adulteration and misbranding of canned shrimp. U. S. v. 48 Cases of Canned Shrimp. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27729. I. S. No. 37238. S. No. 5820.)**

Examination of the canned shrimp involved in this action showed that the article was partially decomposed and that the cans contained less than the declared weight.

On February 6, 1932, 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 the district aforesaid a libel praying seizure and condemnation of 48 cases of canned shrimp at New Orleans, La., alleging that on or about February 2, 1932, the Dorgan McPhillips Packing Corporation, New Orleans, La., delivered to the steamship company at New Orleans, a quantity of canned shrimp that was intended for export to a foreign country, and which was adulterated and misbranded in violation of the food and drugs act as amended. The article was labeled in part: (Can) "Gulf Kist Fancy Large Shrimp Contents Wet Pack 5¾ Oz. Packed by Dorgan McPhillips Packing Corp. Mobile, Alabama."

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 can label, "Contents 5¾ Oz.," was false and misleading and deceived and misled the purchaser, since the said statement represented the contents of the cans as greater than was actually contained therein. 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 packages, since the statement made was not correct.