

was adulterated and misbranded. The portion of the article shipped to California was labeled in part: "Pel-La-Co. Fancy Louisiana Shrimp * * * Packed by Pelican Lake Oyster & Packing Co., Ltd. Houma, La." The portion delivered for shipment to Venezuela was labeled in part: "'Creole' Brand Louisiana Shrimp * * * Packed by Pelican Lake Oyster & Packing Co. Ltd., Houma * * * Dry Pack Contents 5 oz."

Adulteration was alleged in the informations for the reason that the article consisted in whole and in part of a filthy, putrid, and decomposed animal substance.

Misbranding was alleged with respect to the Creole brand shrimp for the reason that the statement "Contents 5 oz.," borne on the label, was 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 cans contained less than 5 ounces. Misbranding of the said Creole brand shrimp 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 incorrect.

On August 18, 1932, pleas of not guilty formerly entered on behalf of the defendant company were withdrawn and pleas of guilty were entered. The court imposed a fine of \$25 in each case, a total of \$50.

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

20131. Adulteration of crab meat. U.S. v. 48 Cans, et al., of Crab Meat. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 28573, 28629, 28658. Sample Nos. 13135-A, 15913-A, 15923-A.)

These actions involved the interstate shipment of quantities of crab meat, samples of which were found to contain filth.

On August 3, August 9, and August 12, 1932, the United States attorney for the Eastern District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 146 cans of crab meat, remaining in the original unbroken packages at Philadelphia, Pa., alleging that the article had been shipped in various consignments on or about July 29, August 5, and August 10, 1932, by W. C. Larrimore, from St. Michaels, Md., to Philadelphia, Pa., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libels that the article was adulterated in that it consisted wholly or in part of a filthy animal substance.

On August 31, 1932, no claimant having appeared for the property, judgments of condemnation and forfeiture were 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.*

20132. Misbranding of canned tomatoes. U.S. v. 283 Cases, et al., of Canned Tomatoes. Decree of condemnation entered. Product released under bond to be relabeled. (F. & D. Nos. 28548, 28792. Sample Nos. 13203-A, 13204-A, 13395-A.)

These actions involved quantities of canned tomatoes that were substandard because they contained excessive peel, were of poor color, and portions did not consist of whole or large pieces; the article was misbranded, since it was not labeled to show that it was substandard. The article was further misbranded, since it was represented to have been packed at Jacksonville, Fla., whereas it was packed at Hazlehurst, Miss.

On July 28 and August 29, 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 libels praying seizure and condemnation of 626 cases of canned tomatoes, remaining in the original unbroken packages at New Orleans, La., alleging that the article had been shipped in interstate commerce in various consignments on or about June 23, July 4, and July 15, 1932, by the Hazlehurst Canning Co., Inc., Hazlehurst, Miss., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Shaver's Brand Hand Packed Tomatoes * * * Packed by Shaver Brothers, Inc., Jacksonville, Fla."

It was alleged in the libel that the article was misbranded in that the statement on the label, "Packed by Shaver Brothers, Inc., Jacksonville, Fla.," was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was canned food and fell below

the standard of quality and condition promulgated by the Secretary of Agriculture for such canned food because of poor color, the presence of excessive amounts of peel, and the fact that portions were not in whole or large pieces; and the package or label did not bear a plain and conspicuous statement prescribed by the Secretary, indicating that it fell below such standard.

On September 9, 1932, the Hazlehurst Canning Co., Inc., Hazlehurst, Miss., having appeared as claimant for the property and having admitted the allegations of the libels, judgments of condemnation were 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 bonds totaling \$1,650, conditioned that it be relabeled under the supervision of this Department, and further conditioned that it should not be sold or disposed of until inspected and found to be in compliance with the Federal Food and Drugs Act.

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

20133. Misbranding of butter. U.S. v. 7 Boxes of Butter. Default decree of condemnation and destruction. (F. & D. No. 28379. Sample No. 13104-A.)

This action involved the shipment of a quantity of butter, sample packages of which were found to contain less than 1 pound, the declared weight.

On or about June 6, 1932, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court for the district aforesaid, holding a district court, a libel praying seizure and condemnation of 7 boxes, each containing thirty 1-pound prints of butter, remaining in the original packages at Washington, D.C., alleging that the article had been shipped on or about May 24, 1932, by the Union Produce Co., Whitewater, Wis., and had been transported from the State of Wisconsin into the District of Columbia, and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Wrappers) "One Pound Net."

It was alleged in the libel that the article was misbranded in that the statement "One Pound Net", borne on the wrapper, 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 the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the quantity stated was not correct.

On September 19, 1932, no claimant having appeared for the property, judgment of condemnation 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.*

20134. Adulteration and misbranding of tomato paste. U.S. v. 225 Cases of Tomato Paste. Decree of condemnation entered. Product released under bond. (F. & D. No. 28525. Sample No. 7180-A.)

This action involved a quantity of alleged tomato paste that was not sufficiently concentrated to be called tomato paste. Sample cans of the product were also found to contain less than the declared weight.

On July 27, 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 225 cases of tomato paste, remaining in the original unbroken packages at New Orleans, La., alleging that the article had been shipped in interstate commerce on or about July 20, 1932, by the Uddo-Taormina Corporation, from Crystal Springs, Miss., to New Orleans, La., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Net contents 5 oz. Baby Brand Tomato Paste Color Added * * * Uddo-Taormina Corporation, New Orleans, La."

It was alleged in the libel that the article was adulterated in that an insufficiently concentrated strained tomato product had been substituted for tomato paste, which the article purported to be.

Misbranding was alleged for the reason that the statements on the label, "Net contents 5 oz. * * * Tomato Paste", were 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; and for the further reason that it 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 statement made was incorrect.