

Marshall Canning Co., from Marshalltown, Iowa, into the State of New Mexico that they remained unsold in the original packages, and that they were misbranded in violation of the Food and Drugs Act as amended and that four cases of asparagus were also adulterated. The articles were labeled as follows: (Cans) "Marshall Hominy Contents 1 Lb."; "Marshall Sugar Corn Contents 1 Lb."; "Le Grande Brand Pumpkin Contents 1 Lb."; "Marshall Cut Fancy Green Asparagus Contents 1 Lb."; "Uncle William Hominy Contents 1 Lb. Marshall Canning Co. * * * Marshalltown, Iowa"; and "Le Grande Brand Cut Stringless Green Beans Contents 6 Lb. 12 Oz. Marshall Canning Co. * * * Marshalltown, Iowa."

Adulteration of the four cases of asparagus at Albuquerque was alleged for the reason that the article consisted in part of a decomposed vegetable substance unfit for human consumption.

Misbranding of all articles was alleged for the reason that the statements, "Contents 1 Lb." or "Contents 6 Lb. 12 Oz.", borne on the labels, were false and misleading and deceived and misled the purchaser, since the cans were short weight. Misbranding was alleged for the further reason that the articles were in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages, since the quantity stated on the labels was incorrect.

On September 10, 1932, no claimant having appeared for the said four cases of asparagus, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

The Marshall Canning Co., Marshalltown, Iowa, filed answers in the remaining cases, admitting the material allegations of the libels, and praying release of the products for the purpose of relabeling or salvaging them. On September 10, 1932 and January 23, 1933, judgments of condemnation were entered and it was ordered by the court that the said products be released to the claimant upon payment of costs and the execution of bonds totaling \$1,200, conditioned in part that they should not be sold or otherwise disposed of in violation of the Federal Food and Drugs Act and all other laws. It was further ordered that any relabeling or salvaging required to bring the articles into compliance with the law be done under the supervision of this Department.

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

20178. Adulteration of canned sauerkraut; misbranding of canned hominy and canned red kidney beans. U.S. v. 69 Cases of Canned Hominy, et al. Decrees of condemnation entered. Canned sauerkraut destroyed. Remaining products released under bond to be relabeled. (F. & D. nos. 28571, 28860, 28861, 28864. Sample nos. 2164-A, 2171-A, 2172-A, 2413-A.)

These actions involved quantities of canned hominy and canned red kidney beans which were short weight, and a quantity of canned asparagus which was unsterile and decomposed.

On August 3, 1932, the United States attorney for the Western District of Texas, 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 69 cases of canned hominy at Alpine, Tex. On September 14, 1932, the United States attorney for the District of Wyoming filed libels against 25 cases of canned red kidney beans at Casper, Wyo., and 39 cases of canned sauerkraut and 25 cases of canned hominy at Sheridan, Wyo. It was alleged in the libels that the articles had been shipped in interstate commerce by the Marshall Canning Co., from Marshalltown, Iowa; that 69 cases of canned hominy had been shipped to Alpine, Tex., on or about March 17, 1932; that the canned sauerkraut and 25 cases of canned hominy had been shipped to Sheridan, Wyo., on or about March 4, 1930, and March 4, 1932, respectively; and that the canned red kidney beans had been shipped to Casper, Wyo., on or about July 2, 1932. It was further alleged in the libels that the canned sauerkraut was adulterated in violation of the Food and Drugs Act, and that the remaining products were misbranded in violation of the said act as amended. The articles were labeled in part: "Uncle William Improved Red Kidney Beans Contents 1 Lb. Marshall Canning Co. * * * Marshalltown, Iowa"; "Uncle William Sauerkraut"; "Uncle William Brand Hominy Contents One Lb. 2 Oz."; "Uncle William Hominy Contents 1 Lb."

Adulteration of the canned sauerkraut was alleged in the libel for the reason that it was composed in whole or in part of a decomposed and putrid vegetable substance unfit for human consumption.

Misbranding of the remaining products was alleged for the reason that the statements, "Contents 1 Lb." and "1 lb. 2 oz.", borne on the labels, were false and misleading and deceived and misled the purchaser, since the cans contained less than so labeled. Misbranding was alleged for the further reason that the articles were foods in package form and the quantities of the contents were not plainly and conspicuously marked on the outside of the packages, since the quantities stated were incorrect.

On October 28, 1932, no claim having been interposed for the canned sauerkraut, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

The Marshall Canning Co., Marshalltown, Iowa, filed answers in the remaining cases, admitting the material allegations of the libels, and praying release of the products for the purpose of relabeling or salvaging them. On December 17, 1932, January 10, 1933, and February 6, 1933, judgments of condemnation were entered and it was ordered by the court that the said products be released to the claimant upon payment of costs and the execution of good and sufficient bonds, conditioned in part that they should not be sold or otherwise disposed of in violation of the Federal Food and Drugs Act and all other laws. It was further ordered that any relabeling or salvaging required to bring the articles into compliance with the law be done under the supervision of this Department.

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

20179. Misbranding of canned asparagus. U.S. v. 9 Cases, et al., of Fancy Green Asparagus. Default decree of forfeiture and sale. (F. & D. no. 28862. Sample nos. 2174-A, 2175-A.)

This case involved the shipment of quantities of canned asparagus, sample cans of which were found to contain less than 1 pound, the weight declared on the label.

On or about September 14, 1932, the United States attorney for the District of Montana, 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 13 cases of canned asparagus at Billings, Mont., alleging that the article had been shipped in interstate commerce, in part on or about December 17, 1930, and in part on or about June 16, 1931, by the Marshall Canning Co., from Marshalltown, Iowa, to Billings, Mont., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Cans) "Cuts Uncle William Fancy Green Asparagus [or "Marshall Cut Fancy Green Asparagus"] Contents 1 Lb. Marshall Canning Co., Marshalltown, Iowa."

It was alleged in the libel that the article was misbranded in that the label bore a statement representing that the cans contained 1 pound, which statement was false and misleading and deceived and misled the purchaser, since the cans contained less than 1 pound. Misbranding was alleged for the further reason that the article was 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.

On January 11, 1933, no claimant having appeared for the property, judgment of forfeiture was entered and it was ordered by the court that the United States marshal remove the statement of net contents from the label and sell the goods to the highest bidder.

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

20180. Adulteration of crab meat. U.S. v. 80 Cans, et al., of Crab Meat. Default decrees of condemnation, forfeiture, and destruction. (F. & D. nos. 28870, 28872. Sample nos. 22307-A, 22313-A.)

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

On September 6, 1932, the United States attorney for the Southern District of New York, 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 95 cans of crab meat, remaining in the original and unbroken packages at New York City, N.Y., alleging that the article had been shipped in interstate commerce in part on or about August 30, 1932, and in part on or about September 1, 1932, by E. L. Watkins, from Hampton, Va., to New York, N.Y., and charging adulteration in violation of the Food and Drugs Act.