

**20413. Misbranding of cane sirup. U. S. v. New Orleans Coffee Co., Ltd. Plea of guilty. Fine, \$25. (F. & D. no. 28072. I. S. no. 36958.)**

This action was based on the interstate shipment of a quantity of cane sirup, sample cans of which were found to contain less than the declared volume.

On December 9, 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 an information against the New Orleans Coffee Co., Ltd., alleging shipment by said company in violation of the Food and Drugs Act, as amended, on or about December 31, 1930, from the State of Louisiana into the State of Texas, of a quantity of cane sirup that was misbranded. The article was labeled in part: "New South Brand Pure Sugar Cane Syrup Packed By New Orleans Coffee Co., Ltd., New Orleans, La. \* \* \* Net Volume 3 Qts., 8 Fl. Ozs. Net Weight 9 Pounds, 3 Ozs."

It was alleged in the information that the article was misbranded in that the statements, "Net Volume 3 Qts., 8 Fl. Ozs. Net Weight 9 Pounds, 3 Ozs.", borne on the label of the can containing the article, 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 cans contained less than 3 quarts and 8 fluid ounces, and contained less than 9 pounds and 3 ounces, of cane sirup. 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 statement made was incorrect.

On December 16, 1932, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$25.

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

**20414. Adulteration of canned salmon. U. S. v. 1,450 Cases, et al., of Canned Salmon. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. no. 29195. Sample nos. 22381-22383-A, incl.)**

This action involved the interstate shipment of a quantity of canned salmon which was found to be in part decomposed.

On November 3, 1932, the United States attorney for the District of Maryland, 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 2,225 cases of canned salmon, remaining in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped by McGovern & McGovern, from Seattle, Wash., to Baltimore, Md., on or about September 1, 1932, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Cans) "McGovern's Best Brand Pink Alaska Salmon [or "Sea Flyer Brand First Quality Alaska Pink Salmon"] Distributed by McGovern & McGovern, Seattle, U. S. A."

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

On November 10, 1932, the Standard Packing 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 released to the said claimant upon payment of costs and the execution of a bond in the sum of \$5,000, conditioned that the product be brought into conformity with the Federal Food and Drugs Act under the supervision of this Department.

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

**20415. Adulteration of cauliflower. U. S. v. 40 Crates, et al., of Cauliflower. Default decrees of condemnation, forfeiture, and destruction. (F. & D. nos. 29150, 29151, 29206, 29207, 29208, 29225, 29603. Sample nos. 7697-A, 7698-A, 7699-A, 7776-A, 18404-A.)**

These cases covered several interstate shipments of cauliflower that was found to bear arsenic in an amount that might have rendered it injurious to health.

On October 13, October 14, and October 19, 1932, the United States attorney for the Western District of North Carolina, 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 310 crates of cauliflower at Charlotte, N.C., and 137 crates of cauliflower at Asheville, N.C.; on October 17, 1932, the United States attorney for the Middle District of North Carolina, filed a libel against 20 crates of cauliflower at Greensboro,