

spectively, of canned shrimp, remaining in the original unbroken packages at Philadelphia, Pa. It was alleged in the libels that the article had been shipped in interstate commerce on or about August 19, 1932, by the Nassau Packing Co., Inc., from Jacksonville, Fla., to Philadelphia, Pa.; that it was adulterated in violation of the Food and Drugs Act; and that a portion was also misbranded in violation of said act as amended. The two lots of the article were labeled, respectively: (Cans) "Ponce de Leon Brand Nassau Shrimp Packed by Nassau Sound Packing Co., Jacksonville, Fla. Net Weight Wet Pack 5 $\frac{3}{4}$  Ozs."; "St. Johns Brand Fresh Shrimp Wet Pack \* \* \* The Nassau Sound Packing Co., Inc., Nassauville, Fla."

Adulteration of both lots of the article was alleged for the reason that it consisted in part of a decomposed animal substance.

Misbranding was alleged with respect to the 45-case lot for the reason that the statement on the label, "Net Weight \* \* \* 5 $\frac{3}{4}$  ozs.", was false and misleading and deceived and misled the purchaser; 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 was incorrect; and for the further reason that the article was canned food and fell below the standard of fill of container promulgated by the Secretary of Agriculture for such canned food, since it was slack filled and did not bear a plain and conspicuous statement indicating that it was slack-filled.

On January 19, 1933, the allegations of the libels being uncontested by the sole intervenor, the Nassau Packing Co., Inc., 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.*

**20637. Adulteration of crab meat. U. S. v. 97 Cans of Crab Meat. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30855. Sample no. 50053-A.)**

This case involved an interstate shipment of crab meat that was found to contain filth.

On July 22, 1933, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court a libel praying seizure and condemnation of 97 cans of crab meat at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about July 20, 1933, by Rollins-Carmines Co., from Hampton, Va., 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 of a filthy animal substance.

On August 23, 1933, 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.

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

**20638. Misbranding of butter. U. S. v. Swift & Co. Plea of guilty. Fine, \$1,200. (F. & D. no. 29345. I. S. nos. 32770, 32771.)**

This action was based on shipments of butter, in which certain cases and cartons were found to contain less than the declared weight.

On December 31, 1932, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States an information against Swift & Co., a corporation, trading at San Francisco, Calif., alleging shipment by said company in violation of the Food and Drugs Act as amended, on or about March 9, 1932, from the State of California to Honolulu, Hawaii, of quantities of butter that was misbranded. The article was labeled in part: (Case) "60# Net Wt."; (carton) "Swift's Premium Quality Brookfield Pasteurized Creamery Butter 1 Lb. Net Weight Distributed by Swift & Company."

It was alleged in the information that the article was misbranded in that the statement "60# Net Wt.", borne on the cases, and the statement, "1 Lb. Net Weight", borne on the cartons, 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 cases each contained 60 pounds of butter, and that the cartons each contained 1 pound net weight thereof; whereas each of a number of the cases contained less than 60 pounds of butter, and each of a number of the cartons contained less than 1

pound. 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 quantity stated was incorrect.

On January 7, 1933, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$1,200.

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

**20639. Adulteration of butter. U. S. v. Farmers Union Cooperative Creamery Co. Plea of guilty. Fine, \$10. (F. & D. no. 28207. I. S. nos. 35040, 36116.)**

This action was based on the interstate shipment of quantities of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard prescribed by Congress.

On November 15, 1932, the United States attorney for the District of Nebraska, 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 Farmers Union Cooperative Creamery Co., a corporation, Norfolk, Nebr., alleging shipment by said company, in violation of the Food and Drugs Act, on or about June 12 and July 22, 1931, from the State of Nebraska into the State of Illinois, of quantities of butter that was adulterated.

It was alleged in the information that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which must contain not less than 80 percent by weight of milk fat, as required by the act of March 4, 1923.

On January 12, 1933, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$10.

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

**20640. Adulteration of rabbits. U. S. v. 4 Barrels of Rabbits. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29580. Sample no. 32908-A.)**

This action involved the interstate shipment of a quantity of rabbits, examination of which showed the product to be decomposed.

On December 2, 1932, the United States attorney for the Western District of New York, 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 four barrels of rabbits at Buffalo, N. Y., alleging that the article had been shipped in interstate commerce on or about November 23, 1932, by Ross & Co., from Baring, Mo., to Buffalo, N. Y., 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, and putrid animal substance.

On December 28, 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.

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

**20641. Misbranding of canned pitted cherries. U. S. v. 140 Cases of Canned Cherries. Consent decrees of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. no. 29304. Sample no. 22384-A.)**

This action involved the interstate shipment of a product represented to be pitted cherries and which was found to consist in part of unpitted cherries. The article was packed in a solution that did not contain a sufficient amount of sugar to bring the liquid portion up to the standard prescribed by this Department, and was not labeled to indicate that it was substandard.

On November 17, 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 140 cases of canned cherries, remaining in the original and unbroken packages at Baltimore, Md., alleging that the article had been shipped in interstate commerce on or about September 12, 1932, by Orrtanna Canning Co., from Orrtanna, Pa., to Baltimore, Md., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Can) "Homeland Brand \* \* \* Red Sour Pitted Cherries Packed by Orrtanna Canning Co., Orrtanna, Pa."