

It was alleged in the libel that the article was adulterated in that it consisted wholly and in part of a filthy, decomposed, and putrid vegetable substance.

On January 10, 1933, no claimant having appeared for the property, judgment of 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.*

20647. Adulteration of crab meat. U. S. v. One Thousand Four Hundred 1-Pound Tins of Crab Meat. Default decree of condemnation and destruction. (F. & D. no. 28503. Sample no. 15732-A.)

This action was based on the shipment of a quantity of canned crab meat, which was found to contain filth.

On July 22, 1932, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the District of Columbia, holding a District Court, a libel praying seizure and condemnation of one thousand four hundred 1-pound tins of crab meat, remaining in the original unbroken packages at Washington, D. C., alleging that the article had been shipped on or about July 19, 1932, by F. P. Long & Co., from St. Michaels, Md., to Washington, D. C., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Tag) "From F. P. Long & Company Sea Food St. Michaels Maryland."

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

On February 6, 1933, 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.*

20648. Adulteration of apples. U. S. v. 168 Bushels of Apples. Decree of condemnation. Product released under bond. (F. & D. no. 29676. Sample no. 15454-A.)

This action involved the interstate shipment of a quantity of apples that were found to bear arsenic and lead in amounts which might have rendered the article injurious to health.

On or about October 20, 1932, the United States attorney for the Southern District of Indiana, 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 168 bushels of apples at Indianapolis, Ind., alleging that the article had been shipped in interstate commerce on or about October 12, 1932, by C. H. Adams, from South Haven, Mich., to Indianapolis, Ind., 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 contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered the article harmful to health.

On October 21, 1932, C. H. Adams, Indianapolis, Ind., having appeared as claimant for the property, judgment of condemnation was entered and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$50, conditioned that it be reconditioned under the supervision of this Department so as to remove the arsenic and lead.

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

20649. Adulteration of canned shrimp. U. S. v. 19 Cases of Canned Shrimp. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29307. Sample no. 16426-A.)

This action was based on the interstate shipment of a quantity of canned shrimp, samples of which were found to be decomposed.

On November 18, 1932, the United States attorney for the District of Massachusetts, 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 19 cases of canned shrimp, remaining in the original and unbroken packages at Worcester, Mass., alleging that the article had been shipped in interstate commerce on or about August 13 and August 19, 1932, by Nassau Packing Co., Inc., from Jacksonville, Fla., to Worcester, Mass., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Cans) "Wet Pack * * * St. Johns Brand Fresh Shrimp * * * The Nassau Sound Packing Co., Nassauville, Fla."

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

On December 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.

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

20650. Adulteration and misbranding of grape concentrate and banana concentrate. U. S. v. Joe Lowe Corporation. Plea of guilty. Fine, \$500. (F. & D. no. 28065. I. S. nos. 22673, 22749, 22777.)

This case was based on several shipments of grape and banana concentrate, artificially colored and artificially flavored, and containing little, if any, true fruit or fruit juices. The banana concentrate was labeled to convey the impression that it was a true fruit product, the natural color and flavor of which had been enhanced or improved by artificial color and flavor. The articles were imitations and were not labeled as such.

On January 9, 1933, the United States attorney for the Southern District of California, 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 Los Angeles, Calif., charging violation of the Food and Drugs Act. It was alleged in the information that on or about June 12 and June 24, 1931, the defendant company had shipped from the State of California into the States of Utah and Colorado, quantities of grape concentrate, and had shipped on or about April 15, June 22, and June 24, 1931, from the State of California into the State of Colorado, quantities of banana concentrate, which products were adulterated and misbranded. The labels on the bottles containing the grape concentrate bore the statements: "Popsicle * * * Grape Concentrate artificial color * * * Joe Lowe Corporation." The cases containing a portion of the grape concentrate were labeled in part: "Popsicle Syrup Grape Flavor Syrup 100 Lbs. Grape." The bottles containing the banana concentrate were labeled: "Popsicle * * * artificial flavor and color Banana Concentrate * * * Joe Lowe Corporation."

Adulteration of the grape concentrate was alleged in the information for the reason that an artificially colored sirup, prepared in imitation of grape concentrate and containing undeclared artificial flavor, but containing no flavor derived from grapes and little, if any, grape juice, had been substituted for the article. Adulteration of the banana concentrate was alleged for the reason that an artificially flavored and colored imitation of banana concentrate, containing no true banana flavor derived from banana and little, if any, banana fruit, had been substituted for banana concentrate enhanced in flavor and color by artificial means which the article purported to be. Adulteration of both products was alleged for the further reason that they had been mixed and colored in a manner whereby damage and inferiority were concealed.

Misbranding of the grape concentrate was alleged for the reason that the statements, "Grape * * * Flavor Sirup, 100 Lbs. Grape" and "Grape Concentrate", borne on the labels, were false and misleading and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since the said statements represented that the article was flavoring made from grapes, having the distinctive and natural flavor derived from grapes; whereas it was not, but was an artificially colored and artificially flavored product containing little, if any, grape juice. Misbranding of the banana concentrate was alleged for the reason that the statement "Banana Concentrate" in large, conspicuous type, and the statement "Artificial Flavor and Color" in smaller type, borne on the label, were false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since the said statements represented that the article was a flavoring sirup made from banana with the natural and distinctive flavor derived from bananas, and that there had been added to the article an artificial flavor and color to enhance its true flavor and color; whereas it was not as represented, but was an artificially colored and flavored product containing little, if any, banana fruit. Misbranding was alleged for the further reason that the articles were imitations of and were offered for sale under the distinctive names of other articles.

On January 23, 1933, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$500.

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