

**20657. Adulteration and misbranding of wheat shorts. U. S. v. Neosho Milling Co. Plea of guilty. Fine, \$4 and costs. (F. & D. no. 28099, I. S. nos. 37046, 37047.)**

This action was based upon two interstate shipments of a product represented to be wheat shorts, which consisted essentially of bran, pulverized grains, and ground screenings, with wheat shorts, if present at all, constituting a small part of the product. Both lots contained less protein than labeled, and one lot contained more fiber than declared on the label.

On July 14, 1932, the United States attorney for the Western District of Missouri, 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 Neosho Milling Co., a corporation, Neosho, Mo., alleging shipment by said company in violation of the Food and Drugs Act, on or about July 31 and August 3, 1931, from the State of Missouri into the State of Arkansas, of quantities of wheat shorts that were adulterated and misbranded. The article was labeled in part: (Tags) "Wheat Shorts Guaranteed Analysis Crude Protein 16% [or "Wheat Gray Shorts With Screenings Guaranteed Analysis Crude Protein 16 \* \* \* Crude Fibre 6"] \* \* \* Neosho Milling Co., Neosho, Mo."

It was alleged in the information that the article was adulterated in that an added mixture of finely ground bran and grain, and containing in the case of a portion, an excessive amount of crude fiber, had been mixed and packed with the article so as to reduce and lower and injuriously affect its quality and strength, and had been substituted in part for wheat shorts or wheat gray shorts, which the article purported to be.

Misbranding was alleged for the reason that the statements, "Crude Protein 16%", with respect to a portion, and the statements, "Crude Protein 16% Crude Fibre 6", with respect to the remainder, were false and misleading, and for the further reason that the article was so labeled as to deceive and mislead the purchaser, since it contained less than 16 percent of crude protein, and a portion contained more than 6 percent of crude fiber.

On January 9, 1933, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$4 and costs.

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

**20658. Adulteration of canned shrimp. U. S. v. 218 Cases and 85 Cases of Canned Shrimp. Default decrees of condemnation, forfeiture, and destruction. (F. & D. nos. 28288, 28306. Sample nos. 1830-A, 1848-A.)**

These actions involved the interstate shipment of quantities of canned shrimp that was in part decomposed.

On May 6, 1932, and May 12, 1932, the United States attorney for the Western District of Washington, 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 170 cases and 85 cases, respectively, of canned shrimp at Seattle, Wash. On May 25, 1932, the libel filed on May 6 was amended to read 218 cases instead of 170 cases, making a total of 303 cases covered by the two libels. It was alleged in the libels that the article had been shipped in interstate commerce on or about February 13, 1932, by Gulf Food, Inc., of Biloxi, Miss., from New Orleans, La., to Seattle, Wash., that it remained in the original unbroken packages at Seattle, Wash., and that it was adulterated in violation of the Food and Drugs Act. The article was labeled in part: "Ready Lunch Dry Pack \* \* \* Shrimp Packed by Gulf Foods, Inc., Biloxi, Miss."

Adulteration of the article was charged in the libels for the reason that it consisted in whole or in part of a decomposed animal substance.

On January 2, 1933, 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.*

**20659. Misbranding of canned peas. U. S. v. 150 Cases of Canned Peas. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. no. 28656. Sample no. 15745-A.)**

This action involved an interstate shipment of canned peas that fell below the standard of quality promulgated by the Secretary of Agriculture for canned peas, since it contained an excessive amount of hard peas, and was not

labeled to indicate that it was substandard. The article was not "Select Quality", as labeled.

On August 12, 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 150 cases of canned peas, remaining in the original unbroken packages at Washington, D. C., alleging that the article had been shipped on or about June 23, 1932, by the G. L. Webster Canning Co., from Cheriton, Va., to Washington, D. C., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Can) "Webster's Select Quality \* \* \* Early June Peas Packed by G. L. Webster Canning Co., Incorporated, Cheriton, Virginia."

It was alleged in the libel that the article was misbranded in that the statement "Select Quality" 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, since it contained an excessive amount of hard peas, and the package or label did not bear a plain and conspicuous statement indicating that it fell below such standard.

On January 5, 1933, G. L. Webster Canning Co., Inc., Cheriton, Va., 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 \$500, conditioned that it should not be sold or disposed of contrary to the provisions of the Federal Food and Drugs Act, and all other laws. On February 1, 1933, the product was inspected by a representative of this Department and found to have been properly relabeled.

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

**20660. Adulteration of canned tomato pulp. U. S. v. G. S. Suppiger Co. Plea of guilty. Fine, \$50. (F. & D. no. 26570. I. S. no. 27413.)**

This action was based on the interstate shipment of a quantity of canned tomato pulp, samples of which were found to contain excessive mold.

On September 11, 1931, the United States attorney for the Eastern District of Illinois, 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 G. S. Suppiger Co., a corporation, trading at Belleville, Ill., alleging shipment by said company on or about August 21, 1930, in violation of the Food and Drugs Act, from the State of Illinois into the State of Missouri, of a quantity of tomato pulp that was adulterated.

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

On January 5, 1933, a plea of guilty to the information was entered on behalf of the defendant company and the court imposed a fine of \$50.

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

**20661. Adulteration of evaporated apples. U. S. v. 41 Cases of Evaporated Apples. No claim entered. Verdict for the Government. Decree of condemnation and destruction, with the provision that any portion fit for food be delivered to a charitable institution. (F. & D. no. 28738. Sample no. 13307-A.)**

This action involved the interstate shipment of a quantity of evaporated apples which were found to be in part wormy.

On August 22, 1932, the United States attorney for the Western 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 41 cases of evaporated apples at Alexandria, La., alleging that the article had been shipped on or about January 11, 1932, by Kimmons, Walker & Co., from Springdale, Ark., and had been transported in interstate commerce from the State of Arkansas into the State of Louisiana, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Cartons) "Springdale Brand Evaporated Apples Packed by Kimmons, Walker & Co., Springdale, Ark."

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