

On April 4, 1933, the United States attorney for the District of Idaho, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Idaho Egg Producers, a corporation, Caldwell, Idaho, alleging shipment by said company in violation of the Food and Drugs Act, on or about April 27, 1932, from the State of Idaho into the State of California, of a quantity of dressed poultry which was adulterated.

It was alleged in the information that the article was adulterated in that it consisted in part of filthy, decomposed, and putrid animal substances; and in that it was a product of diseased animals.

On April 27, 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.*

20989. Misbranding of clam nectar. U. S. v. Paul Shelley Guilford (Guilford Packing Co.). Plea of guilty. Fine, \$5 and costs. (F. & D. no. 29464. I. S. no. 22494.)

This case was based on a shipment of clam nectar in which the cans were found to contain less than the declared volume. The declaration "110 Fl. Oz." was not a plain and conspicuous statement of the quantity of the contents as required by law, since it was not correct and was not made in terms of the largest unit, and therefore not informative.

On April 10, 1933, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Paul Shelley Guilford, trading as Guilford Packing Co., Port Townsend, Wash., alleging shipment by said defendant in violation of the Food and Drugs Act, as amended, on or about January 29, 1932, from the State of Washington into the State of California, of a quantity of clam nectar that was misbranded. The article was labeled in part: "Sea Breeze Clam Nectar Net Contents 110 Fl. Oz. Packed by Guilford Packing Co., Port Townsend, Wn."

It was alleged in the information that the article was misbranded in that the statement "Net Contents 110 Fl. Oz.", borne on the label, was false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since the cans contained less than 110 fluid ounces. 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.

On April 18, 1933, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$5 and costs.

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

20990. Adulteration of canned salmon. U. S. v. Ketchikan Packing Co. Plea of guilty. Fine, \$50 and costs. (F. & D. no. 29446. I. S. no. 12790.)

This case was based on a shipment of canned salmon, samples of which were found to be tainted or stale.

On April 4, 1933, the United States attorney for the first division of the District of Alaska, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Ketchikan Packing Co., a corporation, Ketchikan, Alaska, alleging shipment by said company in violation of the Food and Drugs Act, on or about August 25, 1931, from Alaska into the State of Washington of a quantity of salmon that was adulterated.

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

On April 20, 1933, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50 and costs.

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

20991. Adulteration of canned salmon. U. S. v. 610 Cases, et al., of Canned Salmon. Decrees of condemnation and forfeiture. Product released under bond for separation and destruction of decomposed portion. (F. & D. nos. 29097, 29112, 29250. Sample nos. 9296-A, 22539-A to 22550-A, incl., 25257-A, 25258-A, 25259-A, 25261-A.)

These cases involved several interstate shipments of canned salmon. Sample cans taken from each of the shipments were found to contain decomposed salmon.

On October 21, 1932, the United States attorney for the Eastern District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 610 cases of canned salmon at Norfolk, Va. On October 21, 1932, the United States attorney for the District of Maine filed a libel against 500 cases of canned salmon at Portland, Maine, and on November 9, 1932, the United States attorney for the Northern District of California filed a libel against 8,000 cases of canned salmon at San Francisco, Calif. It was alleged in the libels that the article had been shipped in interstate commerce between September 9, and October 4, 1932, by Libby, McNeill & Libby from Seattle, Wash., into the States of Virginia, Maine, and California, respectively, and that it was adulterated in violation of the Food and Drugs Act. A portion of the article was labeled in part: "Libby's Fancy Red Alaska Salmon." The remainder was labeled in part: "Happy-Vale Pink Salmon * * * Packed for Emery Food Co., Chicago."

The libels charged adulteration with respect to portions of the article in that it consisted in part of a decomposed animal substance; and with respect to the remainder, that it consisted in part of a decomposed and putrid animal substance.

Libby, McNeill & Libby appeared as claimant for the 5,119 cases of the product seized at San Francisco, Calif., and the Copper River Packing Co. filed claims for the goods seized at Norfolk, Va., and Portland, Maine. On March 14, 1933, the material allegations of the libel having been admitted, judgment of condemnation and forfeiture was entered in the case instituted in the Eastern District of Virginia, and the court ordered that the product be released to the claimant, upon payment of costs and the execution of a good and sufficient bond, conditioned that all decomposed salmon be destroyed. On March 23 and March 30, 1933, decrees containing similar provisions were entered in the cases instituted in the District of Maine and the Northern District of California.

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

20992. Adulteration and misbranding of dried grapes. U. S. v. Luigi Severini. Plea of guilty. Fine, \$10. (F. & D. no. 29510. Sample no. 218-A.)

This action was based on an interstate shipment of a number of cases of dried grapes which were insect-infested, moldy, and dirty, and which were not labeled on the cases with a statement of the quantity of the contents.

On April 7, 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 an information against Luigi Severini, Fresno, Calif., alleging shipment by said defendant in violation of the Food and Drugs Act as amended, on or about May 4, 1932, from the State of California into the State of Oregon, of a quantity of dried grapes which were adulterated and misbranded. The article was labeled in part: "Zinfandel Packed for Vito Vitti Portland-Or."

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 vegetable substance.

Misbranding was alleged for the 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.

On April 17, 1933, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$10.

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

20993. Misbranding of cottonseed screenings. U. S. v. Terminal Oil Mill Co. Plea of guilty. Fine, \$50 and costs. (F. & D. no. 29381. I. S. nos. 45595, 47482.)

This case was based on the interstate shipment of quantities of cottonseed screenings that contained less than 43 percent of protein, the amount declared on the label.

On December 29, 1932, the United States attorney for the Western District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Terminal Oil Mill Co., a corporation, Oklahoma City, Okla., alleging shipment by said company in violation of the Food and Drugs Act, on or about December 1, 1931, from the State of Oklahoma into the State of Kansas, of quantities of cottonseed screenings that were misbranded. The article was labeled in part: "'Tomco Prime' Cottonseed Cake or Meal Guaranteed Analysis Protein, not less than 43 percent * * * Manufactured by Terminal Oil Mill Co. Oklahoma City, Oklahoma."