

ing, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since the sacks contained less than 100 pounds. Misbranding of the meal 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 June 27, 1933, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25.

M. L. WILSON, *Acting Secretary of Agriculture.*

**21144. Adulteration and misbranding of canned shrimp. U. S. v. 48 Cases, et al., of Canned Shrimp. Default decree of condemnation, forfeiture, and destruction.** [F. & D. nos. 27820, 27937, 37960. I. S. nos. 41165, 53926, 53927. S. nos. 5925, 5972, 5973.]

These cases involved quantities of canned shrimp, a portion of which was short weight, and the remainder of which was in part decomposed.

On March 8, March 21, and March 28, 1932, the United States attorney for the Eastern District of Missouri, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 109 cases of canned shrimp at St. Louis, Mo., alleging that the article had been shipped in interstate commerce on or about January 21, 1932, by the Dorgan-McPhillips Packing Corporation, from Bayou Labatre, Ala., and charging that a portion of the article was adulterated in violation of the Food and Drugs Act and that the remainder was misbranded in violation of said act as amended. A portion of the article was labeled: "Marine Club Brand Large Wet Pack Shrimp Contents 5¾ oz. Packed for the Goddard Grocer Co., St. Louis, Mo." The remainder was labeled in part: "Miss America Brand Shrimp. \* \* \* Packed by Dorgan McPhillips Packing Corp., Mobile, Ala."

It was alleged in the libel filed against the Miss America brand shrimp, that the article was adulterated in that it consisted in part of a decomposed animal substance.

Misbranding of the remaining lots was alleged for the reason that the statement "5¾ oz.", borne on the labels, was false and misleading and deceived and misled the purchaser. 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 May 26 and June 7, 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.

M. L. WILSON, *Acting Secretary of Agriculture.*

**21145. Adulteration and misbranding of jellies. U. S. v. Lutz & Schramm Co. Plea of guilty. Fine, \$100 and costs.** (F. & D. no. 27557. I. S. nos. 30586, 30587, 30589, 30591.)

This action was based on the interstate shipment of quantities of imitation jellies consisting of mixtures of water, sugar, tartaric acid, and small amounts of fruit juices, jellied by the addition of pectin. The articles did not possess the distinctive flavor of the fruits named on the labels.

On September 10, 1932, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Lutz & Schramm Co., a corporation, Pittsburgh, Pa., alleging shipment by said company in violation of the Food and Drugs Act, on or about April 11, 1931, from the State of Pennsylvania into the State of Massachusetts, of quantities of jellies that were adulterated and misbranded. The articles were labeled in part: "Quakerlade Brand Fruit Pectin and Apple [or "Currant", "Plum", or "Strawberry"] Jelly Lutz & Schramm Co. Pittsburgh, Pa."

It was alleged in the information that the articles were adulterated in that mixtures of water, sugar, and tartaric acid, jellied by the addition of pectin, had been mixed and packed therewith so as to reduce and lower and injuriously affect their quality and strength; for the further reason that imitations of apple, currant, plum, and strawberry jellies, i. e., mixtures of water, sugar, tartaric acid, and little, if any, fruit juices, jellied by the addition of pectin, had been substituted in whole and in part for the articles; and for the further reason that the articles were mixed so as to simulate the flavor of fruit pectin and apple (or plum, currant, or strawberry) jellies, and in a manner whereby their inferiority to said jellies was concealed.