

21460. Adulteration of crab meat. U. S. v. One Hundred and Twenty-two 1-Pound Cans, et al., of Crab Meat. Default decrees of condemnation, forfeiture, and destruction. (F. & D. nos. 30920, 30922, 30939. Sample nos. 50070-A, 50114-A, 50125-A.)

These cases involved interstate shipments of crab meat which was found to contain filth.

On July 27, July 28, and August 3, 1933, the United States attorney for the Eastern District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 181 cans of crab meat at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce between July 25 and August 1, 1933, by J. M. Clayton Co., from Cambridge, Md., and that it was adulterated in violation of the Food and Drugs Act.

The libels charged that the article was adulterated in that it consisted of a filthy animal substance.

On August 24, 1933, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered that the product be destroyed by the United States marshal.

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

21461. Adulteration of butter. U. S. v. 102 Tubs of Butter. Decree of condemnation and forfeiture. Product released under bond to be reworked. (F. & D. no. 30975. Sample no. 39824-A.)

This case involved a shipment of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter established by Congress.

On August 12, 1933, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 102 tubs of butter at Boston, Mass., consigned August 1, 1933, alleging that the article had been shipped in interstate commerce, by the Milbank Creamery Co., from Ortonville, Minn., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter.

On August 18, 1933, the Pipesone Produce Co., Somerville, Mass., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation and forfeiture 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 \$1,000, conditioned that it be reworked under the supervision of this Department, so that it contain at least 80 percent of butterfat.

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

21462. Adulteration and misbranding of fruit sirups. U. S. v. 114 Bottles of Raspberry Sirup, et al. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30898. Sample nos. 41693-A to 41698-A, incl.)

This case involved products represented to be pure fruit sirups, which were found to consist of mixtures of sugar, water, fruit juice, and undeclared added acid. The declaration of the quantity of the contents was not properly made, since it was not made in terms of liquid measure.

On August 14, 1933, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 114 bottles of raspberry sirup, 66 bottles of cherry sirup, 18 bottles of strawberry sirup, 18 bottles of loganberry sirup, 90 bottles of fruit punch sirup, and 66 bottles of grape sirup at St. Louis, Mo., alleging that the articles had been shipped in interstate commerce, on or about June 12, 1933, by the Orchard Products Co., from Chicago, Ill., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The articles were labeled, "16 Oz. Net Weight."

It was alleged in the libels that the articles were adulterated in that mixtures of sugar, water, fruit juice and undeclared added acid had been substituted for pure fruit sirups; and in that the articles were mixed in a manner whereby inferiority was concealed.

Misbranding was alleged for the reason that the statements on the labels, "Pure Fruit Punch Syrup, a delicious blend of Fruits, Fruit Juices and Rock

Candy Syrup", "Pure Raspberry [or 'Cherry', 'Strawberry', 'Loganberry', or 'Grape' Syrup made from the Juice of Fresh Raspberries or 'Cherries', 'Strawberries', 'Loganberries', or 'Grapes'] and rock candy syrup", were false and misleading. Misbranding was alleged for the further reason that the articles were offered for sale under the distinctive names of other articles, and for the further reason that they were in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages, since the statement made was not expressed in terms of liquid measure.

On September 20, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the products be destroyed by the United States marshal.

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

21463. Adulteration of canned tomatoes. U. S. v. 990 Cases, et al., of Canned Tomatoes. Default decrees of condemnation, forfeiture, and destruction. (F. & D. nos. 30748, 30750. Sample nos. 39744-A, 39745-A, 43304-A.)

These cases involved shipments of canned tomatoes which were found to contain insect larvae.

On July 19, 1933, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 990 cases of canned tomatoes at Yonkers, N.Y. On July 20, 1933, the United States attorney for the District of Massachusetts filed a libel against 431 cases of canned tomatoes at Salem, Mass. It was alleged in the libels that the article had been shipped in interstate commerce, in part on or about March 13, 1933, and in part on or about March 22, 1933, by the Seaside Canning Co., from Salisbury, Md., into the States of New York and Massachusetts, respectively, and that it was adulterated in violation of the Food and Drugs Act. The greater portion of the article was labeled in part: (Can) "Turkey Red Brand Tomatoes * * * Packed by Seaside Canning Co., Ocean City, Md." Seventy-two cases were labeled in part: (Can) "Tryem Brand Tomatoes * * * Packed for Cressey Dockham Co., Inc., Salem, Mass."

The libels charged that the article was adulterated in that it consisted in whole or in part of a filthy vegetable substance, or of a filthy, decomposed, or putrid vegetable substance.

On September 21 and September 27, 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.*

21464. Adulteration of butter. U. S. v. 314 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. no. 31070. Sample no. 40312-A.)

This case involved a shipment of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter established by Congress.

On or about August 17, 1933, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 314 tubs of butter at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about July 29, 1933, by Eureka Creamery Co., from Eureka, S. Dak., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel 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 should contain not less than 80 percent of milk fat as provided by the act of March 4, 1923.

On September 19, 1933, Gallagher Bros., Chicago, Ill., 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 claimant upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned in part that it be reworked under the supervision of this Department.

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