

On October 28, 1933, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 700 cases of canned shrimp at San Francisco, Calif., alleging that the article had been shipped in interstate commerce on or about September 13, 1933, by Gussie Fountain Packing Co., Inc., from Biloxi, Miss., and charging that a part of the article was adulterated and that a part was misbranded in violation of the Food and Drugs Act. A portion of the article was labeled: "Johnson's Choice Brand Shrimp * * * Packed by Gulf Coast Canneries, Incorporated, Biloxi, Miss." The remainder was labeled in part: "Mo Bil Bay Brand Fancy Selected Shrimp * * * Packed under the supervision and inspection of the Department of Conservation of the State of Alabama Packed by Dixie Fruit Products Co., Mobile, Alabama." (Code mark showed that the latter brand was also packed by the Gulf Coast Canneries.)

It was alleged in the libel that the portions of the article identified under two of the several codes was adulterated in that it consisted in part of a decomposed animal substance.

It was further alleged in the libel that a portion was misbranded in that the statements on certain of the cans: "Packed under the supervision and inspection of the Department of Conservation of the State of Alabama Packed by Dixie Fruit Products Co., Mobile, Alabama", were false and misleading.

On November 10, 1933, Stanley H. Butte having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the portion of the product charged to be adulterated be destroyed, and that the remainder be released to the claimant upon the execution of a bond in the sum of \$2,500, conditioned that it should not be sold or disposed of until labeled in conformity with the provisions of the Federal Food and Drugs Act.

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

21743. Misbranding of stock feed. U. S. v. 100 Bags of Stock Feed. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31185. Sample no. 14133-A.)

This case involved an interstate shipment of a quantity of stock feed that contained less protein and fat and more fiber than was declared on the labeling.

On or about September 29, 1933, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 100 bags of stock feed at Aberdeen, Md., alleging that the article had been shipped in interstate commerce on or about June 22, 1933, by A. Overhold & Co., from Broad Ford, Pa., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Tag) "Overco Stock Feed Manufactured and Packed by A. Overhold & Co. Broad Ford, Pa. * * * Protein 18.00 Fat 7.01 Fibre 16.58."

It was alleged in the libel that the article was misbranded in that the statement on the tag label, "Protein 18.00 Fat 7.01 Fibre 16.58", was false and misleading and deceived and misled the purchaser.

On November 8, 1933, 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.

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

21744. Misbranding of sandwich spread. U. S. v. 24 Dozen Jars of Sandwich Spread. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31221. Sample no. 55596-A.)

Sample jars of sandwich spread taken from the shipment involved in this case were found to contain less than 8 ounces, the declared weight.

On October 10, 1933, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 24 dozen jars of sandwich spread at Atlantic City, N.J., alleging that the article had been shipped in interstate commerce on or about August 22, 1933, by the Bronson Mayonnaise Manufacturing Co., from Philadelphia, Pa., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Cont. 8 ozs. J. D. W. Brand Sandwich Spread."

It was alleged in the libel that the article was misbranded in that the statement on the label, "Cont. 8 ozs.", 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 failed to bear a plain and conspicuous statement of the quantity of the contents, since the statement made, "Cont. 8 ozs.", was ambiguous, and since it was short of the declared quantity of contents whether construed on the basis of weight or on the basis of volume.

On November 16, 1933, 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.

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

21745. Adulteration of apple pomace. U. S. v. 590 Sacks of Apple Pomace. Default decree of condemnation and destruction. (F. & D. no. 30445. Sample no. 35097-A.)

The case involved a shipment of apple pomace that was found to contain arsenic and lead in amounts that might have rendered it injurious to health.

On May 10, 1933, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 590 sacks of apple pomace at Orrville, Ohio, alleging that the article had been shipped in interstate commerce on or about January 24, 1933, from the A. M. Richter Sons Co., Manitowoc, Wis., 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 and deleterious ingredients, arsenic and lead, which might have rendered the article harmful to health.

On October 12, 1933, the case having been called and all parties in interest having been found in default, judgment was entered ordering that the product be condemned and destroyed.

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

21746. Misbranding of Syl-Vette. U. S. v. 40 Dozen Jars and 60 Dozen Jars of Syl-Vette. Consent decrees of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. nos. 31055, 31160. Sample nos. 37958-A, 44141-A.)

These cases involved two lots of Syl-Vette, a product which was labeled to convey the impression that it was low in food value and could be used in place of the regular food in dieting to reduce weight. Examination showed that the article was high in food value and would not of itself effect a reduction in flesh.

On September 7, and September 27, 1933, the United States attorney for the District of Columbia, acting upon reports by the Secretary of Agriculture, filed in the Supreme Court of the District of Columbia, holding a district court, libels praying seizure and condemnation of 100 dozen jars of Syl-Vette at Washington, D.C., alleging that the article had been shipped in interstate commerce, on or about July 17 and August 23, 1933, by Syl-Vette, Inc., from Wheeling, W.Va., and charging misbranding in violation of the Food and Drugs Act as amended.

Misbranding of a portion of the article was alleged for the reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package. Misbranding of both lots was alleged for the reason that the following statements appearing in the labeling were false and misleading and deceived and misled the purchaser, since they implied that the product was low in food value, whereas it was high; and was also misbranded as to its effect, since it would not of itself effect any reduction in flesh: (Carton) "A new safe reducing food * * * A natural reducing food that takes the place of one or more of your regular meals * * * and will prevent any nervous sickness or weakness due to lack of food in your stomach * * * Syl-Vette is the new safe way to reduce * * * A natural reducing food"; (jar) "A natural reducing food that takes the place of one or more of your regular daily meals and quickly rids you of all excess fat * * * and will also prevent nervousness or weakness due to lack of food in your stomach"; (circular) "A New Safe Reducing Food that takes the place of one or more of your regular meals * * * Syl-Vette will take off excess fat and reduce your weight gradually and without harm to your health or vitality. * * * Syl-Vette is * * * the only natural and healthful way to slenderize your figure * * * Syl-Vette will prevent your becoming nervous and weak during the treatment because it supplies enough nourishment and vitamins, free from any fat producing elements,