

21764. Adulteration and misbranding of canned shrimp. U. S. v. 81 Cases of Canned Shrimp. Part of product released. Remainder condemned and destroyed. (F. & D. no. 29833. Sample no. 36951-A.)

This case involved an interstate shipment of canned shrimp that was found to be in part decomposed. Sample cans taken from the shipment were also found to contain less than the declared weight.

On February 9, 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 a libel praying seizure and condemnation of 81 cases of canned shrimp at Seattle, Wash., alleging that the article had been shipped on or about September 24, 1932, from New Orleans, La., to Seattle, Wash., by Lipscomb Bros., Inc., and charging misbranding in violation of the Food and Drugs Act as amended. On March 20, 1933, the libel was amended to include an adulteration charge. The article was labeled in part: (Cans) "Happy Home Brand Shrimp, Contents 9 Oz."

It was alleged in the libel as amended that the article was adulterated in that it consisted in whole or in part of a decomposed animal substance.

Misbranding was alleged for the reason that the statement, "Contents 9 Oz.", 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.

One hundred and five cases of the product were seized. On August 7, 1933, 33 cases were ordered released as not in violation of the law, having been seized through error. On September 22, 1933, no claimant having appeared for the remaining 72 cases, judgment of condemnation and forfeiture was entered, and it was ordered by the court that they be destroyed by the United States marshal.

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

21765. Adulteration of cauliflower. U. S. v. 45 Cases of Cauliflower. Consent decree of destruction. (F. & D. no. 31586. Sample no. 50370-A.)

This case involved an interstate shipment of cauliflower that was found to bear arsenic in an amount that might have rendered it injurious to health.

On October 20, 1933, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 45 cases of cauliflower at Columbus, Ohio, alleging that the article had been shipped in interstate commerce on or about October 14, 1933, by the Erie County Growers & Shippers Association, from Orchard Park, N.Y., 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 an added poisonous or deleterious ingredient, arsenic, which might have rendered it injurious to health.

On October 21, 1933, the shipper having requested that the cauliflower be immediately destroyed, a decree was entered by the court ordering its destruction.

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

21766. Adulteration of butter. U. S. v. Swift & Co. Plea of guilty. Fine, \$200 and costs. (F. & D. no. 30286. Sample no. 17387-A.)

This case involved an interstate 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 September 28, 1933, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Swift & Co., a corporation, trading at Durango, Colo., alleging shipment by said company in violation of the Food and Drugs Act, on or about November 26, 1932, from the State of Colorado into the State of California, of a quantity of butter that was adulterated.

It was alleged in the information 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 November 14, 1933, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$200 and costs.

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