

21773. Misbranding of coffee. U. S. v. 9 Cases of Coffee. Default decree of condemnation and destruction. (F. & D. no. 31209. Sample no. 42354-A.)

This case involved a shipment of a product which was represented to be coffee but which was found to consist of a mixture of coffee, cereal, and siftings.

On October 4, 1933, the United States attorney for the Eastern District of Kentucky, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of nine cases each containing thirty-six 1-pound packages of coffee, at Ashland, Ky., alleging that the article had been transported in interstate commerce from Portsmouth, Ohio, on or about July 20, 1932, having been shipped by the Ohio Valley Coffee Co., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Main panel of carton) "Fad Brand Ground Roasted Coffee Roasted and packed by The Ohio Valley Coffee Co., Portsmouth"; (opposite panel) "Fad Brand Ground Roasted Coffee Plus Grain."; (side panels) "Most delicious coffee * * * It's absolutely pure * * * This * * * coffee * * * real coffee."

It was alleged in the libel that the article was misbranded in that the following statements in the labeling of the package were false and misleading and deceived and misled the purchaser: (Main panel) "Ground, Roasted Coffee", (side panels) "Most Delicious Coffee", "It's Absolutely Pure", "This * * * Coffee", "Real Coffee."

On November 29, 1933, no claimant having appeared for the property, judgment of condemnation 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.*

21774. Adulteration of canned shrimp. U. S. v. 200 Cases of Canned Shrimp. Decree of condemnation and forfeiture. Product released under bond for separation and destruction of bad portions. (F. & D. no. 31549. Sample no. 58581-A.)

This case involved an interstate shipment of canned shrimp that was found to be in part decomposed.

On November 6, 1933, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 200 cases of canned shrimp at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about October 6, 1933, by the Fisher Sea Food Co., from Lafitte, La., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Fisher's Blue Gulf Brand Shrimp * * * Packed by Fisher Seafood Company, Lafitte, La."

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

On November 15, 1933, Louis A. Ludwig & Co. having appeared as claimant for the property, 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 \$350, conditioned that the unfit portions be segregated and destroyed.

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

21775. Adulteration of broccoli. U. S. v. 464 Crates of Broccoli. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31539. Sample no. 51617-A.)

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

On October 25, 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 464 crates of broccoli at Jersey City, N.J., alleging that the article had been shipped in interstate commerce on or about October 14, 1933, by the Golden West Shippers, from Guadalupe, Calif., 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 ingredient, arsenic, which might have rendered it injurious to health.

On November 6, 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.*