

21857. Adulteration and misbranding of feeding oatmeal. U. S. v. 66 Bags of Feeding Oatmeal. Default decree of forfeiture and destruction. (F. & D. no. 31556. Sample no. 19276-A.)

This case involved a shipment of a product which was represented to be oatmeal but which was found to consist in part of corn and to contain less protein and fat and more fiber than declared on the label.

On November 8, 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 66 bags of feeding oatmeal at Taunton, Mass., alleging that the article had been shipped on or about July 4, 1933, by J. A. Forest, from Fort William, Ontario, Canada, into the State of Massachusetts, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Alpine Ground Feeding Oatmeal."

It was alleged in the libel that the article was adulterated in that a substance, corn, had been substituted in whole or in part for it.

Misbranding was alleged for the reason that the statements, "Oatmeal", "Minimum Protein 14.00% Minimum Fat 5.00%, Maximum Fibre 3.90", on the bag, and the statements, "Oatmeal", "Protein 14% Fat 5% Fibre not over 3.90%", on the tag, were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was sold under the distinctive name of another article.

On December 6, 1933, no claimant having appeared for the property, judgment of 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.*

21858. Adulteration of canned shrimp. U. S. v. 44 Cases of Canned Shrimp. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31557. Sample no. 43597-A.)

This case involved a shipment of canned shrimp, samples of which were found to be decomposed.

On November 9, 1933, the United States attorney for the Northern 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 44 cases of canned shrimp at Albany, N.Y., alleging that the article had been shipped in interstate commerce on or about October 7, 1933, by the C. B. Foster Packing Co., from New Orleans, La., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Miss-Lou Brand Shrimp * * * Packed by C. B. Foster Packing Co., Inc., Biloxi, Miss."

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

On December 22, 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.*

21859. Adulteration of canned shrimp. U. S. v. 783 Cases and 803 Cases of Canned Shrimp. Decree of condemnation and forfeiture. Product released under bond. (F. & D. no. 31563. Sample nos. 44974-A, 44775-A.)

This case involved an interstate shipment of canned shrimp, variously coded. Samples taken from certain of the codes were found to be decomposed.

On November 8, 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 1,586 cases of canned shrimp at San Francisco, Calif., alleging that the article had been shipped in interstate commerce on or about October 11, 1933, by the Anticich Packing Co., Inc., from Biloxi, Miss., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "American Beauty Shrimp."

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

On January 5, 1934, the Anticich Packing Co., Inc., 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 \$6,000, conditioned that it should not be sold or disposed of contrary to the provisions of the Federal Food and Drugs Act.

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