

**21905. Adulteration of canned shrimp. U. S. v. 800 Cases of Canned Shrimp. Decree of condemnation and forfeiture. Product released under bond. (F. & D. no. 31232. Sample no. 44483-A.)**

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

On October 23, 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 800 cases of canned shrimp at San Francisco, Calif., alleging that the article had been shipped in interstate commerce on or about September 5, 1933, by the Mavar Fish & Oyster Co., from Biloxi, Miss., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Cans) "Olivia Brand Small Shrimp Dry Pack \* \* \* Packed by Mavar Fish & Oyster Company, 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 January 9, 1934, the Mavar Fish & Oyster Co. having entered an appearance as claimant, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be delivered to the claimant upon payment of costs and the execution of a bond in the sum of \$3,200, conditioned that it be made to conform with the law under the supervision of this Department, and that it not be sold or disposed of contrary to the provisions of the Food and Drugs Act.

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

**21906. Adulteration and misbranding of egg noodles. U. S. v. 248 Cartons of Alleged Egg Noodles. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31256. Sample no. 44142-A.)**

This case involved a product which was represented to be egg noodles but which was found to be deficient in egg solids.

On October 18, 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 two hundred and forty-eight 20-pound cartons of egg noodles at Perry Point, Md., alleging that the article had been shipped in interstate commerce on or about August 5, 1933, by Walker Products Co., Inc., from Indianapolis, Ind., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Walker Products Co., Inc."

It was alleged in the libel that the article was adulterated in that imitation egg noodles containing less egg solids than egg noodles had been substituted for egg noodles.

Misbranding was alleged for the reason that the article was an imitation of another article and for the further reason that it was sold under the distinctive name of another article.

On February 15, 1934, 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.*

**21907. Adulteration and misbranding of fava beans. U. S. v. 92 Sacks of Fava Beans. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31273. Sample no. 51777-A.)**

This case involved a shipment of fava beans which were insect-infested and which were contained in sacks that were not labeled to indicate the quantity of the contents.

On October 27, 1933, the United States attorney for the Eastern 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 92 sacks of fava beans at Brooklyn, N.Y., alleging that the article had been shipped in interstate commerce on or about September 11, 1933, by Uddo-Taormina Corporation, from Los Angeles, Calif., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended.

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

Misbranding was alleged for the 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.

On January 10, 1934, judgment was entered by default ordering the product condemned, forfeited, and destroyed.

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

**21908. Misbranding of olive oil. U. S. v. 14 Cans of Olive Oil. Default decree of condemnation, forfeiture, and destruction.** (F. & D. no. 31277. Sample nos. 56236-A, 56256-A.)

Sample cans of olive oil taken from the shipment involved in this case were found to contain less than 1 gallon, the labeled volume.

On October 28, 1933, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 14 cans of olive oil at Dallas, Tex., alleging that the article had been shipped in interstate commerce on or about September 11, 1933, by Uddo-Taormina Corporation, from Brooklyn, N.Y., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled, in part: "Pure Olive Oil \* \* \* Imported by Uddo-Taormina Corp., Italy, Contents One Gallon."

It was alleged in the libel that the article was misbranded in that the statement, "Net Contents One Gallon", borne on the label, was false and misleading, since the article was short volume.

On January 9, 1934, 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.*

**21909. Misbranding of egg noodles. U. S. v. Keystone Macaroni Mfg. Co. Plea of nolo contendere. Fine, \$25.** (F. & D. no. 31363. Sample nos. 11124-A, 11167-A.)

This case involved shipments of egg noodles in packages that contained less than the labeled weight.

On January 2, 1934, the United States attorney for the Middle District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Keystone Macaroni Manufacturing Co., a corporation, Lebanon, Pa., alleging shipment by said company in violation of the Food and Drugs Act, in part on or about August 16, 1932, and in part on or about November 12, 1932, from the State of Pennsylvania into the State of New York, of quantities of egg noodles that were misbranded. The article was labeled in part: "Krasdale Brand Egg Noodles, A. Krasne Wholesale Distributor New York \* \* \* Net Weight 6 Ounces."

It was alleged in the information that the article was misbranded in that the statement, "Net Weight 6 Ounces", was false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since the packages contained less than 6 ounces. 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.

On January 16, 1934, a plea of nolo contendere was entered on behalf of the defendant company, and the court imposed a fine of \$25.

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

**21910. Adulteration of dressed poultry. U. S. v. Gooding Cooperative Creamery. Plea of guilty. Fine, \$50.** (F. & D. no. 31366. Sample no. 17253-A.)

Samples of dressed poultry taken from the shipment involved in this case were found to be emaciated, diseased, and decomposed.

On January 15, 1934, the United States attorney for the District of Idaho, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Gooding Cooperative Creamery, a corporation, Gooding, Idaho, alleging shipment by said company in the name of and by means of its agent, the Jerome Cooperative Creamery, on or about October 1, 1932, from the State of Idaho into the State of California, of a quantity of dressed poultry that was adulterated.

It was alleged in the information that the article was adulterated in that it consisted in part of a filthy and decomposed animal substance, in that it consisted of portions of animals unfit for food, and in that it was a product of diseased animals.