

as the American Ace Coffee Co., alleging shipment by said company in violation of the Food and Drugs Act as amended, on or about October 12, 1932, from the State of Tennessee into the State of Kentucky, of a quantity of black pepper that was misbranded. The article was labeled in part: (Can) "American Ace Brand Pure Ground Black Pepper American Ace Tea & Coffee Co., Inc. * * * Louisville, Ky., Nashville, Tenn."

It was alleged in the information that the article was misbranded in 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.

On March 13, 1934, a plea of nolo contendere was entered on behalf of the defendant company, and the court imposed a fine of \$10.

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

22057. Adulteration of canned shrimp. U. S. v. 762 Cases of Canned Shrimp. Decree of condemnation and forfeiture. Product released under bond. (F. & D. no. 31890. Sample nos. 47341-A, 47354-A.)

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

On January 25, 1934, 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 762 cases of canned shrimp at San Francisco, Calif., alleging that the article had been shipped in interstate commerce by the Anticich Packing Co., Inc., from Biloxi, Miss., on or about December 11, 1933, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Gulf Spray Brand Shrimp * * * Packed by Anticich Packing Co., Inc., Biloxi, Miss."

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

On February 26, 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 \$3,000, conditioned that it not be sold or disposed of in violation of the Federal Food and Drugs Act.

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

22058. Adulteration and misbranding of butter. U. S. v. Delta Valley Creamery Co. Plea of guilty. Fine, \$32. (F. & D. no. 29513. Sample nos. 1092-A, 1093-A, 13613-A.)

This case was based on interstate shipments of print butter that contained less than 80 percent of milk fat. The prints were wrapped in parchment wrappers that bore no statement of the quantity of the contents.

On May 16, 1933, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Delta Valley Creamery Co., a corporation, Delta, Utah, alleging shipment by said company in violation of the Food and Drugs Act as amended, in three shipments on or about June 7, June 10 and July 22, 1932, respectively, of quantities of butter that was adulterated and misbranded. Two of the shipments were labeled on the case: "Butter."

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 by weight of milk fat as prescribed by the act of March 4, 1923, which the article purported to be.

Misbranding was alleged with respect to two of the shipments for the reason that the statement, "Butter," borne on the cases, was false and misleading, and for the further reason that it was labeled so as to deceive and mislead the purchaser, since the article was not butter, in that it contained less than 80 percent by weight of milk fat. Misbranding was alleged with respect to all shipments for the reason that the articles was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On September 16, 1933, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$32.

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