

22256. Misbranding of canned red kidney beans, asparagus, hominy, sugar corn, pumpkin, stringless green beans, and wax beans. U. S. v. Marshall Canning Co. Plea of guilty. Fine, \$300 and costs. (F. & D. no. 30216. Sample nos. 2164-A, 2171-A, 2174-A, 2175-A, 2226-A, 2234-A, 2376-A, 2387-A, 2388-A, 2398-A, 2399-A, 2400-A, 2413-A.)

This case was based on various interstate shipments of short-weight canned vegetables.

On September 30, 1933, the United States attorney for the Southern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Marshall Canning Co., a corporation, Marshalltown, Iowa, alleging shipment by said company in violation of the Food and Drugs Act as amended, in various consignments between the dates of December 12, 1930 and June 28, 1932, from the States of Iowa, Montana, New Mexico, and Texas, into the State of Wyoming, of quantities of canned vegetables which were misbranded. The articles were labeled in part, variously: (Cans) "Uncle William Improved Red Kidney Beans [or "Fancy Green Asparagus" or "Hominy"] Marshall Canning Co., * * * Marshalltown, Iowa * * * Contents 1 Lb."; "Marshall Fancy Green Asparagus [or "Hominy" or "Sugar Corn"] Contents 1 Lb. Marshall Canning Co."; "Le Grande Brand Pumpkin Contents 1 Lb. Marshall Canning Co."; "El Rey Brand Hominy Packed for Gomez & Apodaca El Paso Texas"; "Le Grande Brand Cut Stringless Green Beans Contents 6 Lb. 12 Oz. Marshall Canning Co."; "Cameo Brand Fancy Wax Beans Contents 6 Lbs. 12 Oz. A Marshall Canning Co. Product."

It was alleged in the information that the articles were misbranded in that the statement, "Contents 1 Lb." with respect to certain of the products, and the statement, "Contents 6 Lb. 12 Oz." with respect to the remainder, were false and misleading, and for the further reason that the articles were labeled so as to deceive and mislead the purchaser, since the cans contained less than 1 pound, or 6 pounds 12 ounces, as the case might be. Misbranding was alleged for the further reason that the articles were 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 December 9, 1933, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$300 and costs.

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

22257. Adulteration of butter. U. S. v. 2 Barrels of Butter. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31899. Sample no. 52325-A.)

This case involved an interstate shipment of butter which was found to contain rodent and cow hairs, insects and parts of insects, fragments of feathers, insect eggs, and other extraneous matter.

On January 5, 1934, the United States attorney for the Southern 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 two barrels of butter at New York, N. Y., alleging that the article had been shipped in interstate commerce, on or about December 19, 1933, by the City Produce Exchange, Inc., from Harrisonburg, Va., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Tag) "From City Produce Exchange, Inc. Harrisonburg, Va."

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

On February 14, 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.*

22258. Adulteration of butter. U. S. v. 4 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reworked. (F. & D. no. 32632. Sample nos. 51951-A, 51952-A.)

This case involved a shipment of butter which was low in milk fat.

On December 21, 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 four tubs of butter at Jersey City, N. J., alleging that the article had been shipped in interstate commerce on or about December 15, 1933, from New York, 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 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 Congress of March 4, 1923.

On February 16, 1934, the Land O'Lakes Creameries, Inc., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, 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 \$100, conditioned that it be reworked so that it contain at least 80 percent of milk fat.

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

22259. Adulteration of canned shrimp. U. S. v. 100 Cases and 300 Cases of Canned Shrimp. Decrees of condemnation and forfeiture. Portion of product released under bond. Remainder destroyed. (F. & D. nos. 31594, 31595. Sample nos. 37387-A, 37388-A.)

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

On November 16, 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 two libels praying seizure and condemnation of 400 cases of canned shrimp at Tacoma, Wash., alleging that the article had been shipped in interstate commerce, on or about September 19, 1933, by the Braun Canning Co., of Biloxi, Miss., from New Orleans, La., and charging adulteration in violation of the Food and Drugs Act. A portion of the article was labeled: "Ready Lunch Brand Shrimp * * * Packed by Gulf Foods, Inc., Biloxi, Miss." The remainder was labeled in part: "Bonnie Best Shrimp."

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

On April 6, 1934, the Kelley-Clarke Co., having appeared as claimant for 300 cases of the product covered by one libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that portions of the product covered by the said libel be released under bond in the sum of \$1,000, conditioned that they should not be disposed of contrary to the Federal Food and Drugs Act, and that the remainder be destroyed. On April 23, 1934, the remaining libel having come for hearing, the court, after consideration of the evidence, ordered the product condemned, forfeited, and destroyed. Costs of both proceedings were assessed against the Kelley-Clarke Co.

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

22260. Adulteration of evaporated apples. U. S. v. James R. Bever (The J. R. Bever Co.). Plea of guilty. Fine, \$10. (F. & D. no. 31391. Sample no. 6516-A.)

This case involved an interstate shipment of evaporated apples which were found to be in part insect-infested, decayed, moldy, or dirty.

On January 30, 1934, the United States attorney for the Western District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the district court an information against James R. Bever, trading as the J. R. Bever Co., Gentry, Ark., alleging shipment by said defendant in violation of the Food and Drugs Act, on or about November 17, 1932, from the State of Arkansas into the State of Missouri, of a quantity of evaporated apples which were adulterated. The article was labeled in part: "Choice Evaporated Apples Packed by The J. R. Bever Co., Gentry, Arkansas."

It was alleged in the information that the article was adulterated in that it consisted in part of a filthy and decomposed vegetable substance.

On February 20, 1934, the defendant entered a plea of guilty, and the court imposed a fine of \$10.

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

22261. Misbranding of canned grapefruit juice. U. S. v. 100 Cases of Canned Grapefruit Juice. Decree of condemnation and forfeiture. Product released under bond. (F. & D. no. 26928. I.S. no. 35915. S. no. 5116.)

This case involved a product labeled to convey the impression that it consisted of pure grapefruit juice, but which was found to contain added sugar. Sample cans taken from the shipment also were found short of the declared volume.