

22275. Misbranding of noodles. U. S. v. 150 Cases of Noodles. Decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. no. 32034. Sample no. 66579-A.)

Sample cans of noodles taken from the shipment in this case were found to contain less than 5 ounces, the weight declared on the label.

On February 27, 1934, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 150 cases of noodles at Denver, Colo., consigned by the La Choy Food Products Inc., Detroit, Mich., alleging that the article had been shipped in interstate commerce on or about January 11, 1934, from Detroit, Mich., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Contents 5 oz. La Choy Chow Mein Noodles La Choy Food Products, Inc. Detroit, Mich."

It was alleged in the libel that the article was misbranded in that the statement on the label, "Contents 5 Oz.," was false and misleading and deceived and misled the purchaser; and for the further reason 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 April 3, 1934, the La Choy Food Products, Inc. having appeared as claimant for the property and having admitted the allegations of the libel, 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 \$958.08, conditioned that it be repacked or relabeled under the supervision of this Department.

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

22276. Misbranding of canned peas. U. S. v. 250 Cases of Canned Peas. Product adjudged misbranded. Released under bond to be relabeled. (F. & D. no. 30377. Sample no. 30433-A.)

This case involved a shipment of canned peas which fell below the standard of fill of container established by the Secretary of Agriculture, and which were not labeled to show that they were slack filled.

On May 1, 1933, the United States attorney for the Western District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 250 cases of canned peas at Harrisonburg, Va., alleging that the article had been shipped in interstate commerce on or about October 17, 1932, by the Phillips Packing Co., Inc., from Cambridge, Md., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Olympia Early June Peas * * * Packed by Phillips Packing Co., Inc., Cambridge, Md."

It was alleged in the libel that the article was misbranded in that it was canned food, and fell below the standard of fill of container promulgated by the Secretary of Agriculture, in that it was slack-filled because of excessive added liquid, and the package or label did not bear a plain and conspicuous statement prescribed by regulation of this Department, indicating that it fell below such standard.

On April 21, 1934, the Phillips Packing Co., Inc., claimant, having admitted the allegations of the libel, and having consented that judgment be entered for the forfeiture of the property, a decree was entered finding that the product was misbranded, and ordering that it be released to the claimant upon payment of costs and the execution of a bond in the sum of \$750, conditioned that it be relabeled under the supervision of this Department.

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

22277. Adulteration of butter. U. S. v. 40 Cases of Butter. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32007. Sample no. 61948-A.)

Samples of butter taken from the shipment involved in this case were found to contain fragments of fly bodies, wings, bristles, vegetable and nondescript debris, small splinters, fragments of hen feathers, rodent hairs, coal, sand, and a maggot.

On February 20, 1934, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 40 cases of butter at Arabi, La., alleging that the article had been shipped in interstate commerce on or about February 3, 1934, by the Cloverleaf Butter Co., from Birmingham, Ala., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Carton) "Cloverleaf Brand Process Butter."

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

On April 5, 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.*

22278. Adulteration of confectionery. U. S. v. 37 Boxes of Confectionery. Default decree of condemnation. Product destroyed. (F. & D. no. 32011. Sample no. 50544-A.)

This case involved an interstate shipment of confectionery which contained alcohol.

On February 20, 1934, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 37 boxes of confectionery at Cleveland, Ohio, alleging that the article had been shipped in interstate commerce on or about January 25, 1934, by H. L. Caplan & Co., Inc., from Baltimore, Md., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated under the provisions of the law relating to confectionery, in that it contained spirituous liquor.

On April 21, 1934, no claimant having appeared for the property, judgment was entered finding the product adulterated and subject to condemnation, and it was ordered by the court that it be disposed of under such terms and conditions as were not in violation of the Food and Drugs Act. The product was destroyed.

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

22279. Adulteration of canned salmon. U. S. v. 1,000 Cases of Canned Salmon. Product released under bond. (F. & D. no. 27584. I.S. no. 21100. S. no. 5616.)

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

On December 23, 1931, the United States attorney for the Northern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 1,000 cases of canned salmon, at Atlanta, Ga., alleging that the article had been shipped in interstate commerce on or about November 25, 1931, by Libby, McNeill & Libby, from Seattle, Wash., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Can) "Happy-Vale Brand Pink Salmon * * * Packed for Emery Food Co. Chicago, U. S. A. Packed in Alaska."

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

On January 22, 1932, the Emery Food Co. having appeared as claimant and having filed an answer admitting that a portion of the product was adulterated, a decree was entered ordering that it be released to the claimant upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned that it should not be disposed of in violation of the Food and Drugs Act and all other laws. On April 16, 1934, the court having found that the product had been examined and that 246 cases had been segregated as containing decomposed salmon, it was ordered that the claimant might ship the said 246 cases to Seattle, Wash., for further examination and segregation under the supervision of this Department.

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

22280. Adulteration of tomato puree. U. S. v. 3,450 Cans of Tomato Puree. Default decree of condemnation and destruction. (F. & D. no. 31839. Sample no. 50493-A.)

This case involved a shipment of tomato puree which was found to contain decomposed material.

On January 16, 1934, the United States attorney for the Southern District of Indiana, acting upon a report by the Secretary of Agriculture filed in the district court a libel praying seizure and condemnation of 3,450 cans of tomato puree at Terre Haute, Ind., alleging that the article had been shipped on or about January 5, 1934, by the Macke Packing Co., from Wapakoneta, Ohio, 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 consisted wholly or in part of a decomposed vegetable substance.