

Perfect P Brand Fancy Apple Butter Packed for A. H. Perfect & Co., Fort Wayne, Ind."

It was alleged in the libel that the article was misbranded in that the statement on the label representing that the jars contained 2 pounds of apple butter, was false and misleading and deceived and misled the purchaser, since they contained substantially less than 2 pounds. 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 stated on the label, since the statement made was incorrect.

On May 4, 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 labeled, "Net Weight 1 Lb. 15 Oz." and sold by the United States marshal.

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

**22499. Adulteration and misbranding of canned shrimp. U. S. v. 80 Cases of Canned Shrimp. Default decree of condemnation and destruction.** (F. & D. no. 31938. Sample no. 38518-A.)

This case involved a shipment of canned shrimp which was in part decomposed. The article was also falsely labeled as to the name of the packer.

On February 2, 1934, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 80 cases of shrimp at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce, on or about September 2, 1933, by the Braun Canning Co. (also known as Gulf Foods, Inc.), from New Orleans, La., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Ready Lunch Brand Shrimp, \* \* \* Packed by Gulf Foods, 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.

Misbranding was alleged for the reason that the statement on the label, "Packed by Gulf Foods, Inc.", was false and misleading and deceived and misled the purchaser, since it was packed by De Jean Packing Co., Biloxi, Miss.

On May 29, 1934, no claimant having appeared for the property, judgment of condemnation 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.*

**22500. Adulteration of canned shrimp. U. S. v. 65 Cases of Canned Shrimp. Default decree of destruction.** (F. & D. no. 31944. Sample no. 50561-A.)

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

On February 5, 1934, the United States attorney for the Western District of Kentucky, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 65 cases of canned shrimp at Louisville, Ky., alleging that the article had been shipped in interstate commerce on or about December 2, 1933, by the Gussie Fountain Packing Co., from Biloxi, Miss., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Johnson's Choice Brand Shrimp \* \* \* Packed by Gulf Coast Canneries, Incorporated, 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 May 3, 1934, no claimant having appeared for the property, judgment was entered ordering that the product be destroyed by the United States marshal.

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

**22501. Adulteration and misbranding of peanut butter. U. S. v. 9 Cases of Peanut Butter. Default decree of condemnation, forfeiture, and destruction.** (F. & D. no. 31945. Sample no. 58662-A.)

This case involved a shipment of peanut butter which was represented to be vitaminized. The label claimed that 3 teaspoonfuls of the article contained as much vitamin D as 1 teaspoonful of cod-liver oil, whereas tests showed that three teaspoonfuls were not equal to one-fourth teaspoonful of cod-liver oil as a source of vitamin D.

On February 6, 1934, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the

district court a libel praying seizure and condemnation of nine cases of peanut butter at Norristown, Pa., alleging that the article had been shipped in interstate commerce, on or about September 27, 1933, by the Williamson Candy Co., from Brooklyn, N. Y., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Monogram Brand Peanut Butter."

It was alleged in the libel that the article was adulterated in that its strength fell below the professed standard under which it was sold.

Misbranding was alleged for the reason that the following statements appearing on the jar label and in a circular were false and misleading: (Jar) "Vitaminized Contains 250 units Vitamin D Per Pound"; (circular) "The guarantee of 250 units in each pound of our product is assured by careful laboratory tests each month and these tests are subject to investigation by the Government and accepted by them. \* \* \* Vitaminized Contains 250 Units Vitamin D Per Pound \* \* \* Vitamin D \* \* \* builds straight fine bodies and good teeth. The ordinary diet contains enough Vitamins \* \* \* but Vitamin D, the sunshine vitamin, is not present in ordinary foods. \* \* \* Three teaspoonfuls of our peanut butter contains as much Vitamin D as one teaspoon of cod liver oil."

On May 16, 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.*

**22502. Misbranding of canned cherries. U. S. v. 91 Cases of Canned Cherries. Product released under bond to be relabeled. (F. & D. no. 32077. Sample no. 61553-A.)**

This case involved a shipment of substandard canned cherries which were not properly labeled.

On March 3, 1934, 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 91 cases of canned cherries at Amarillo, Tex., alleging that the article had been shipped in interstate commerce, on or about January 11, 1931 (1934), by the Green Bay Food Co., from Green Bay, Wis., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Interurban Pitted Red Cherries the J. M. Paver Co., Main Office Chicago."

It was alleged in the libel that the article was misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture, because the liquid portion read below 16° Brix, and its 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 May 10, 1934, the Carlton-Florey Grocery Co., Inc., Amarillo, Tex., claimant, having admitted that the product was misbranded and having executed a bond in the sum of \$200, conditioned that the label would be corrected to meet the requirements of this Department, judgment was entered ordering that the product be released, and that claimant pay costs of the proceedings.

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

**22503. Adulteration and misbranding of confectionery. U. S. v. 18 Dozen Boxes of Confectionery. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32237. Sample no. 51679-A.)**

This case involved a shipment of confectionery consisting of a chocolate-covered cream center containing a glace cherry and sirup. The cream center and cherry were artificially colored and flavored and contained benzoate of soda.

On March 5, 1934, 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 18 dozen boxes of confectionery at Newark, N. J., alleging that the article had been shipped in interstate commerce on or about October 5, 1933, by the Sphinx Chocolate Corporation, from Brooklyn, N. Y., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Sphinx Cordial Cherries."

It was alleged in the libel that the article was adulterated in that artificially flavored and colored cherries containing benzoate of soda had been substituted for the article.