

On or about November 8, 1934, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 97 cases of canned shrimp at Baltimore, Md., alleging that the article had been shipped in interstate commerce on or about September 14 and October 16, 1934, by the St. Marys Canning Co., from Kingsland, Ga., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Taylor Brand Shrimp * * * Packed by St. Marys Canning Co. St. Marys, Georgia."

The article was alleged to be adulterated in that it consisted wholly or in part of a decomposed animal substance.

On December 18, 1934, no claimant having appeared, judgments of condemnation were entered and it was ordered that the product be destroyed.

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

24274. Adulteration of canned shrimp. U. S. v. 199 Cases of Canned Shrimp. Consent decree of condemnation. Product released under bond for segregation and destruction of decomposed portion. (F. & D. no. 34304. Sample no. 14277-B.)

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

On November 14, 1934, the United States attorney for the District of Maine, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 199 cases of canned shrimp at Portland, Maine, alleging that the article had been shipped in interstate commerce on or about September 26, 1934, by the Southern Shell Fish Co., Inc., from New Orleans, La., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Ready to Eat Brand Shrimp * * * Packed by Southern Shell Fish Co., Inc. Harvey, La., U. S. A."

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed animal substance.

On January 28, 1935, the Southern Shell Fish Co., Inc., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be released under bond, conditioned that the decomposed portion be separated therefrom and destroyed.

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

24275. Adulteration of tomato puree. U. S. v. 995 Cartons of Tomato Puree. Default decree of condemnation and destruction. (F. & D. no. 34344. Sample no. 17572-B.)

This case involved an interstate shipment of canned tomato puree which was found to contain excessive mold.

On November 13, 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 995 cartons, each containing 6 unlabeled cans of tomato puree, at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about October 5, 1934, by the Kemp Food Corporation, from Greenfield, Ind. (manufacturer, Greenfield Packing Co., Greenfield, Ind.), and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted wholly or in part of a decomposed vegetable substance.

On January 19, 1935, no claimant appearing, judgment of condemnation was entered and it was ordered that the product be destroyed.

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

24276. Misbranding of salad oil. U. S. v. 400 Cans, et al., of Salad Oil. Consent decree of condemnation. Product released under bond. (F. & D. nos. 34233, 34373. Sample nos. 17093-A, 17112-B.)

These cases involved a product consisting of domestic cottonseed oil, which was labeled to convey the impression that it was imported olive oil.

On November 1 and November 14, 1934, the United States attorney for the District of New Jersey, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 1,020 cans of salad oil, in part at Elizabeth, N. J., and in part at Newark, N. J., alleging that the article had been shipped in interstate commerce on or about July

23 and October 22, 1934, by the Garber Eagle Oil Corporation, from Brooklyn, N. Y., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Pride of the Home Brand [or "Cavalier Brand"] Pure Vegetable Oil Packed By Garber Eagle Oil Corporation Brooklyn, N. Y."

The article was alleged to be misbranded in that the following statements appearing on the labels, (Pride of the Home brand, main panel) "Marca Orgoglio Della Casa Olio Purissimo per insalata, cucina e tavola"; (side panel) "Marca Orgoglio Della Casa Olio Puro per insalata e un delizioso olio vegetale—e ottimo per insalata salse frittiture ed in tutti gli altri usi da tavola e cucina", (Cavaliere brand, main panel) "Marca Cavaliere Puro Olio Vegetale per majonnise e insalata il migliore per uso di tavola", (side panel) "Marca Cavaliere Quest' olio vegetale e delizioso puro, adatto specialmente per insalata, salse frittiture e tutti gli usi di tavola e cucina", and the picture of a foreign scene on the main panel of the cans of the Cavaliere brand, were misleading and tended to deceive and mislead the purchaser, since they implied that the product was Italian olive oil; whereas it was domestic cottonseed oil. Misbranding was alleged with respect to a portion of the Cavaliere brand for the further reason that it purported to be a foreign product when not so.

On January 31, 1935, the Garber-Eagle Oil Corporation having appeared as claimant and the cases having been consolidated into one cause of action, judgment of condemnation was entered and it was ordered that the product be released under bond, conditioned that it should not be disposed of in violation of the law.

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

24277. Misbranding of canned shrimp. U. S. v. 98 Cases of Canned Shrimp. Consent decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. no. 34385. Sample no. 20138-B.)

Sample cans of shrimp taken from the shipment involved in this case were found to contain less than 9 ounces, the weight declared on the label.

On November 16, 1934, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 98 cases of canned shrimp at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about September 22, 1934, by Dorgan-McPhillips Packing Corporation, from Mobile, Ala., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Happy Home Brand Shrimp Contents 9 Oz. Metric Equiv. 255 Grams Schwabacher Bros. & Co. Inc. Seattle, Wash. Distributors."

The article was alleged to be misbranded in that the statement on the label, "Contents Nine Oz Metric Equiv. 255 Grams", was false and misleading and tended to deceive and mislead the purchaser. 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 December 10, 1934, Schwabacher Bros. & Co., Inc., Seattle, Wash., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be released under bond, conditioned that it be relabeled to show the actual quantity of the contents.

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

24278. Adulteration of canned shrimp. U. S. v. 25 Cases and 170 Cases of Canned Shrimp. Decree of condemnation. Product released under bond for segregation and destruction of unfit portion. (F. & D. no. 34387. Sample no. 16406-B.)

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

On November 16, 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 195 cases of canned shrimp at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about November 8, 1934, by the J. H. Pelham Co., from Pascagoula, Miss., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Sea-Fresh Brand Shrimp * * * Packed by The J. H. Pelham Co. Pascagoula, Miss."