

The articles were alleged to be adulterated in that substances, i. e., sugar in the case of the damson plum and a portion of the raspberry, sugar and acid in the case of the blackberry and the remainder of the raspberry, and sugar, acid, and pectin in the case of the cherry, had been mixed and packed with the articles so as to reduce or lower their quality; in that the aforesaid mixtures containing less fruit and more sugar than jams should contain had been substituted for jams, which the articles purported to be and in that the articles had been mixed in a manner whereby their inferiority had been concealed.

The articles were alleged to be misbranded in that the statements "Pure * * * Raspberry [or "Blackberry", "Damson Plum", or "Cherry"] Jam", borne on the labels, were false and misleading and tended to deceive and mislead the purchaser when applied to articles resembling jams but which were not jams; and in that they were imitations of and were offered for sale under the distinctive names of other articles, namely, jams. The damson plum jam was alleged to be misbranded further in that the statement "6 Oz. Net", borne on the jar top, was false and misleading and tended to deceive and mislead the purchaser when applied to an article in jars containing 1 pound; and 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, since the statement made was not correct.

On March 16, 1937, no claimant having appeared, judgments of condemnation were entered and it was ordered that the products be destroyed.

H. A. WALLACE, *Secretary of Agriculture.*

27291. Adulteration of canned shrimp. U. S. v. 300 Cases of Canned Shrimp (and four other seizure actions). Decrees of condemnation entered. Product in certain shipments released under bond for segregation and destruction of decomposed portions. Product in remaining shipments ordered destroyed. (F. & D. nos. 38367, 38368, 38369, 38476, 38511. Sample nos. 7151-C, 7744-C, 15840-C.)

This product was in part decomposed.

On September 29, 1936, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 500 cases of canned shrimp at Boston, Mass., and 200 cases of canned shrimp at New Bedford, Mass. On October 1, November 5, and November 7, 1936, libels were filed against 300 cases of canned shrimp at Providence, R. I., 5 cases of the product at Roanoke, Va., and 7 cases at Rocky Mount, N. C. The libels alleged that the article had been shipped in interstate commerce in various shipments on or about August 7, September 2, and September 9, 1936, by the Deer Island Fish & Oyster Co., from Bayou Labatre, Ala., and that it was adulterated in violation of the Food and Drugs Act. A portion of the article was labeled, "Gulf's Best Brand Shrimp * * * Packed by Deer Island Fish and Oyster Co., Bayou Labatre, Ala., Biloxi, Miss."; the remainder was labeled, "S. G. Brand Wet Shrimp * * * Distributors Standard Grocery Company Boston Providence D. C. & H. Co., New Bedford."

It was alleged to be adulterated in that it consisted in whole or in part of decomposed animal substances.

On March 31 and April 12, 1937, no claimant having appeared for the lots seized at Roanoke, Va., and Rocky Mount, N. C., judgments of condemnation were entered and said lots were ordered destroyed. On April 21 and 23, 1937, the Deer Island Fish & Oyster Co., having filed a claim for the lots seized at Providence, R. I., Boston, Mass., and New Bedford, Mass., and having admitted the allegations of the libels, judgments of condemnation were entered and the product was ordered released under bond conditioned that the decomposed portion be segregated and destroyed.

H. A. WALLACE, *Secretary of Agriculture.*

27292. Misbranding of tomato paste and peeled tomatoes. U. S. v. 133 Cases of Canned Tomato Paste, and 200 Cases and 467 Cases of Canned Peeled Tomatoes. Consent decree of forfeiture. Product released under bond to be relabeled. (F. & D. nos. 38415, 38416. Sample nos. 4178-C, 4179-C.)

This case involved tomato paste and peeled tomatoes of domestic origin that bore labels and designs to indicate that they were of foreign origin.

On October 16, 1936, the United States attorney for the Eastern 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 133 cases of canned