

10444. Misbranding of shrimp. U. S. * * * v. 14 Cases * * * of Shrimp. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 15658. Inv. No. 35428. S. No. E-3766.)

On February 10, 1922, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 14 cases, each containing 4 dozen cans, of shrimp, remaining in the original unbroken packages or unsold at Cambridge, Mass., alleging that the article had been shipped on or about September 15, 1921, by S. S. Goffin, from Fernandina, Fla., and transported from the State of Florida into the State of Massachusetts, and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "St. Johns * * * Fresh Shrimp * * * The Smiling Brand * * * Packed By The Nassau Sound Packing Co. Jacksonville, Fla. S. S. Goffin, Proprietor."

Misbranding of the article was alleged in the libel for the 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, since the stated quantity, to wit, "Net Weight Wet Pack 5 $\frac{1}{2}$ Ozs." was incorrect and represented more than the actual contents of the package.

On May 16, 1922, 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. In carrying out the provisions of this decree the marshal turned the goods over to the commissioner of penal institutions of the city of Boston for use at the house of correction.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10445. Misbranding of Hatchet Brand clams. U. S. * * * v. 22 Cases * * * of Canned Clams. Default decree of condemnation, forfeiture, and destruction. (Goods turned over to a charitable institution.) (F. & D. No. 15651. I. S. No. 5475-t. S. No. E-3698.)

On December 20, 1921, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 22 cases, each containing a number of cans, of clams, remaining in the original unbroken packages or unsold at Worcester, Mass., alleging that the article had been shipped on or about August 20, 1921, by the Twitchell-Champlin Co., Portland, Me., and transported from the State of Maine into the State of Massachusetts, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: "Hatchet Brand Fresh Clams * * * Contains 5 Oz. Clams * * * The Twitchell-Champlin Co., Portland, Me. & Boston, Mass."

Misbranding of the article was alleged in the libel for the reason that the statement, to wit, "Contents 5 Oz. Clams," borne on the label upon each of the cans containing the article, concerning the quantity of the article contained therein, was false and misleading in that said statement represented that said cans each contained 5 ounces of the article and for the further reason, in substance, that the article was labeled as aforesaid so as to deceive and mislead the purchaser thereof into the belief that said cans each contained 5 ounces of the article, whereas, in fact and in truth, the said cans did not each contain 5 ounces of the article but contained a less amount. 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 stated quantity, to wit, "Contents 5 Oz. Clams," was not correct and represented more than the actual contents of the package.

On May 16, 1922, no claimant having appeared for the product, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal. In carrying out the provisions of the decree the United States marshal turned the product over to a charitable institution in Worcester, Mass.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10446. Misbranding of tomatoes. U. S. * * * v. William P. Cole et al. (Medina Fruit Growers Assoc.). Plea of guilty. Fine, \$15 and costs. (F. & D. No. 15586. I. S. No. 671-t.)

On January 10, 1922, the United States attorney for the Western District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against