

**14499. Misbranding of canned shrimp. U. S. v. 28 Cases of Shrimp. Product ordered released under bond. (F. & D. No. 20644. I. S. No. 4820-x. S. No. E-5588.)**

On November 23, 1925, the United States attorney for the District of Porto Rico, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 28 cases of canned shrimp, at San Juan, P. R., alleging that the article had been shipped by Lazare Levy & Co., New Orleans, La., on or about September 17, 1925, and transported from the State of Louisiana into the Territory of Porto Rico, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Shrimp Barataria Brand Dry Pack \* \* \* Net Contents 5 Ounces, Guaranteed To Pass Any State Or National Pure Food Law Inspection."

Misbranding of the article was alleged in the libel for the reason that the statements "Net Contents 5 Ounces," "Guaranteed To Pass Any State Or National Pure Food Law Inspection," borne on the labels, were 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, since the statement made was not correct.

On December 5, 1925, Sobrinos de Izquierdo & Co., San Juan, P. R., having appeared as claimant for the property and having admitted the allegations of the libel, judgment was entered, ordering that the product be released to the said claimant and that the bond tendered by claimant by certified check in the sum of \$125 be approved and retained to insure relabeling of the product and payment of costs.

W. M. JARDINE, *Secretary of Agriculture.*

**14500. Misbranding of butter. U. S. v. 1 Case of Butter. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 21081. I. S. No. 10681-x. S. No. W-1968.)**

On April 17, 1926, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 1 case of butter, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been prepared for shipment in interstate commerce, by Swift & Co., Seattle, Wash., from the State of Washington into the Territory of Alaska, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Package) "Brookfield Creamery Butter 1 Lb. Net Weight Distributed By Swift & Company."

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.

On May 10, 1926, Swift & Co. having appeared as claimant for the property and having admitted the allegations of the libel and paid the costs of the proceedings, judgment of condemnation was entered, and it was ordered by the court that the product be released to the said claimant upon the deposit of a certified check in the sum of \$50, to insure that it be reconditioned and relabeled under the supervision of this department.

W. M. JARDINE, *Secretary of Agriculture.*