

to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$100, conditioned that it should not be disposed of contrary to the provisions of the Federal food and drugs act, or the laws of any State, Territory, district, or insular possession, and further conditioned that it be relabeled under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18858. Adulteration of canned shrimp. U. S. v. 9 Cases of Canned Shrimp. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26708. I. S. No. 11844. S. No. 4846.)

Samples of canned shrimp from the shipment herein described having been found to be decomposed, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of California.

On or about June 25, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of nine cases of canned shrimp, remaining in the original unbroken packages at Los Angeles, Calif., alleging that the article had been shipped by the Pelican Lake Oyster & Packing Co., from Houma, La., on or about November 27, 1930, and had been transported from the State of Louisiana into the State of California, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Pel-La-Co Fancy La. Shrimp * * * Pelican Lake Oyster & Packing Co., Houma, La."

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed animal substance.

On October 12, 1931, 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.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18859. Adulteration and misbranding of canned tuna. U. S. v. Cohn-Hopkins (Inc.). Plea of guilty. Fine, \$50. (F. & D. No. 26574. I. S. Nos. 5213, 5214.)

Samples of canned tuna from the shipment herein described having been found to contain fish other than tuna, namely, bonita, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of California.

On August 24, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid an information against Cohn-Hopkins (Inc.), a corporation, alleging shipment by said company, in violation of the food and drugs act, on or about August 15, 1930, from the State of California into the State of Pennsylvania, of a quantity of canned tuna that was adulterated and misbranded. The article was labeled in part: "Sun Harbor Brand Tuna Packed by Cohn-Hopkins, Inc. * * * San Diego, Calif. * * * Light Meat Tuna."

It was alleged in the information that the article was adulterated in that bonita fish had been substituted for tuna fish, which the said article purported to be.

Misbranding was alleged for the reason that the statement, "Tuna," borne on the label, was false and misleading in that the said statement represented that the article consisted wholly of tuna; and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it consisted wholly of tuna, whereas it did not so consist, but did consist in whole and in part of bonita.

On September 18, 1931, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18860. Adulteration and misbranding of canned grapefruit juice. U. S. v. 130 Cases, et al., of Canned Grapefruit Juice. Consent decree providing for release of the product under bond. (F. & D. Nos. 26886, 26887, 26890. I. S. No. 21426. S. No. 5072.)

Examination of samples of canned grapefruit juice from the shipment herein described having shown that the article contained undeclared added sugar and that the cans were short of the declared volume, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of California.

On August, 24, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 370 cases of canned grapefruit juice, remaining in the original unbroken packages at Los Angeles, Calif., alleging that the article had been shipped by the Nassau Packing Co., from Jacksonville, Fla., on or about July 15, 1931, and had been transported from the State of Florida into the State of California, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Can) "Florida Chief Brand Grapefruit Juice Contents 1 pt. 2 fl. oz. Packed by the Grapefruit Packing Co. S. S. Goffin, Jacksonville, Florida."

It was alleged in the libels that the article was adulterated in that an undeclared added substance, to wit, sugar, had been substituted in part for the said article.

Misbranding was alleged for the reason that the statements, "Grapefruit Juice" and "Contents 1 pt. 2 fl. oz.," borne on the label, were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article; and for the further reason that it was food in package form and failed to bear a plain and conspicuous statement of the quantity of contents, since the quantity stated was incorrect.

On September 18, 1931, George G. Hamilton and Charles A. Rausher, jr., trading as Hamilton & Rausher, Los Angeles, Calif., claimants, having admitted the allegations of the libels and having consented to the entry of a decree, and the cases having been consolidated into one cause of action, judgment was entered ordering that the product be released to the said claimant under bond in the amount of \$600. On October 7, 1931, the product having been relabeled in manner satisfactory to this department, it was ordered by the court that the bond be exonerated and that the order of release be made permanent upon payment of all costs.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18861. Misbranding of canned grapefruit juice and canned orange juice. U. S. v. 537 Cases of Grapefruit Juice, et al. Consent decree of condemnation and forfeiture. Products released under bond. (F. & D. No. 26786. I. S. Nos. 33891, 33895, 33896. S. No. 4898.)

Sample cans of grapefruit juice and orange juice from the shipment herein described having been found to contain less than the volume declared on the labels, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of New York.

On July 11, 1932, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 537 cases of canned grapefruit juice and 25 cases of canned orange juice, remaining in the original packages at Brooklyn, N. Y., alleging that the articles had been shipped by Tugwell & Wiseman (Inc.), Tarpon Springs, Fla., on or about May 19, 1931, and had been transported from the State of Florida into the State of New York, and charging misbranding in violation of the food and drugs act as amended.

A portion of the grapefruit juice was labeled in part: (Can) "Sunbeam Grapefruit Juice * * * Austin Nichols & Co., Inc., Distributors, New York, N. Y. U. S. A. Sunbeam Pure Food Natural Grapefruit Juice Slightly Sweetened * * * Contents 10 Fl. Ozs." The remainder of the grapefruit juice and the orange juice were labeled in part: (Can) "Sunbeam Pure Food Natural Grape Fruit Juice [or "Orange Juice"] Slightly Sweetened * * * Austin, Nichols & Co., Inc., Distributors, New York, N. Y. U. S. A. Contents 1 Quart, 1 Pint, 8 Ounces."

It was alleged in the libel that the articles were misbranded in that the statements on the labels, "Contents 10 Fl. Ozs." or "Contents 1 Quart, 1 Pint 8 Ounces," were false and misleading and deceived and misled the purchaser when applied to articles short of the volume declared. 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 statements made were not correct. Misbranding was alleged with respect to a portion of the grapefruit juice for the reason that the designation "Grapefruit Juice," appearing on the main panel of the label, was false and misleading and deceived and misled the purchaser when applied to grapefruit juice containing added sugar.