

**19533. Misbranding of canned shrimp. U. S. v. 27 Cases of Canned Shrimp. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 27348. I. S. No. 294. S. No. 5512.)**

The labels of the canned shrimp involved in this action bore an incorrect declaration of weight, also unwarranted health claims.

On December 9, 1931, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 27 cases of canned shrimp, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped on or about October 3, 1931, by the Lone Star Fish & Oyster Co., from Corpus Christi, Tex., and had been transported from the State of Texas into the State of California, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Can) "Gibson's 'Fresh Pack' Shrimp \* \* \* Wet Pack Contents 5 $\frac{3}{4}$  Ozs. A Health Food high in iodine content \* \* \* packed by Charlie Gibson S. S. at Corpus Christi, Tex." The statement "Dry Pack Contents 5 Ozs.," indistinctly rubber-stamped and often blurred, also appeared on the label.

It was alleged in the libel that the article was misbranded in that the statements, "Wet Pack Contents 5 $\frac{3}{4}$  Ozs." and "A Health Food," were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the statement "A Health Food" was a statement regarding the curative or therapeutic effect of the article, and was false and fraudulent. It was further alleged in the libel that the article was misbranded under the provisions of section 8, paragraph 3, of the act, as amended, which amendment requires that the quantity of the contents of food in package form be plainly and conspicuously marked on the outside of the package, since the quantity of the contents of the cans was less than the declared contents.

On December 23, 1931, the Lone Star Fish & Oyster Co., Corpus Christi, Tex., having appeared as claimant for the property and having consented 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 in part that it be relabeled, under the supervision of this department, in order to remove all objectionable statements, and that it should not be sold or disposed of contrary to the provisions of the food and drugs act, or other existing laws.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**19534. Misbranding of chick meat and bone meal. U. S. v. The Neatsfoot Oil Refineries Corporation. Plea of nolo contendere. Fine, \$100. (F. & D. No. 26692. I. S. No. 9593.)**

This action was based on the interstate shipment of a quantity of chick meat and bone meal which was found upon analysis to contain less protein than declared on the label.

On November 9, 1931, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against the Neatsfoot Oil Refineries Corporation, Philadelphia, Pa., alleging shipment by said company, in violation of the food and drugs act, on or about August 6, 1930, from the State of Pennsylvania into the State of New York, of a quantity of chick meat and bone meal that was misbranded. The article was labeled in part: (Tag) "Berg's Chick Meat and Bone Meal 55 Protein Manufactured by The Berg Company, Inc., Philadelphia, Pa., Guaranteed Analysis Min. Protein 55%."

It was alleged in the information that the article was misbranded in that the statement, to wit, "55 Protein \* \* \* Guaranteed Analysis Min. Protein 55%," was false and misleading, and for the further reason that it was so labeled as to deceive and mislead the purchaser, since it had a protein content amounting to less than 55 per cent.

On January 21, 1932, a plea of nolo contendere to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**19535. Adulteration of butter. U. S. v. Alberta Cooperative Creamery Association. Plea of guilty. Fine, \$20. (F. & D. No. 26688. I. S. No. 24714.)**

Samples of butter from the shipment herein described having been found to contain less than 80 per cent of milk fat, the standard provided by Congress,

the Secretary of Agriculture reported the matter to the United States attorney for the District of Minnesota.

On January 7, 1932, the United States attorney filed in the District Court of the United States for the district aforesaid an information against the Alberta Cooperative Creamery Association, a corporation, Alberta, Minn., alleging shipment by said company on or about April 21, 1931, in violation of the food and drugs act as amended, from the State of Minnesota into the State of Illinois, of quantities of butter that was adulterated.

It was alleged in the information that the article was adulterated in that a product containing less than 80 per cent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 per cent of milk fat, as prescribed by the act of March 4, 1923.

On January 7, 1932, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$20.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**19536. Adulteration of cabbage. U. S. v. 121 Crates of Cabbage. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 27357. I. S. No. 42952. S. No. 5566.)

Arsenic having been found on cabbage taken from the shipment herein described, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Pennsylvania.

On December 11, 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 121 crates of cabbage, remaining in the original unbroken packages at Philadelphia, Pa., alleging that the article had been shipped on or about December 4, 1931, by the South Carolina Produce Association, from Geraty, S. C., and had been transported from the State of South Carolina into the State of Pennsylvania, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it contained an added poisonous or deleterious ingredient, to wit, arsenic, which might render the article injurious to health.

On January 4, 1932, 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.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**19537. Adulteration of tullibeas. U. S. v. 247 Boxes of Tullibeas. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 27358. I. S. No. 39391. S. No. 5547.)

Samples of tullibeas from the shipment herein described having been found to contain cysts, indicating infestation by parasitic worms, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of New York.

On December 11, 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 247 boxes of the said tullibeas, remaining in the original unbroken packages at Buffalo, N. Y., consigned by Charles E. Griggs, Chicago, Ill., alleging that the article had been shipped on June 11, 1931, from Chicago, Ill., and had been transported from the State of Illinois into the State of New York, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted, wholly or in part, of a filthy animal substance, and for the further reason that it was a portion of an animal unfit for food.

On February 12, 1932, 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.*

**19538. Adulteration of tomato puree. U. S. v. 1,120 Cases, et al., of Tomato Puree. Decrees of condemnation entered. Product released under bond.** (F. & D. Nos. 26527, 26528, 26713, 26719, 26725. I. S. Nos. 11715, 11716, 11717, 11718, 11720. S. Nos. 4841, 4842, 4843, 4857, 4876.)

Samples of tomato puree taken from the various shipments herein described were found to contain excessive mold.

On June 24, June 25, and July 2, 1931, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agri-