

agreed that the product be reconditioned so that it contain at least 80 per cent of butterfat. On February 2, 1932, 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 \$300, or the deposit of cash collateral in like amount, conditioned in part that it be reworked so that it comply with the Federal food and drugs act, and all other laws.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19589. Adulteration and misbranding of dried egg yolk. U. S. v. Joe Lowe Corporation. Tried to the court. Judgment of guilty. Fine, \$75. (F. & D. No. 26567. I. S. No. 036845.)

This action was based on the interstate shipment of a quantity of an article represented to be a dried egg product, and which was found to consist in part of lactose, a milk product.

On October 10, 1931, the United States attorney for the Northern District of Illinois, 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 Joe Lowe Corporation, trading at Chicago, Ill., alleging shipment by said company, in violation of the food and drugs act, on or about May 3, 1930, from the State of Illinois into the State of Minnesota, of a quantity of an egg product that was adulterated and misbranded. The article was labeled in part: (Barrel) "Jo Lo Certified Eggs Certified Egg Products Jo Lo A A Joe Lowe Co., Incorporated, New York."

It was alleged in the information that the article was adulterated in that an added milk product, namely, a lactose-containing ingredient, had been substituted in part for a product purporting to be made exclusively from eggs, which the article purported to be.

Misbranding was alleged for the reason that the statements, "Certified Eggs" and "Certified Egg Products," borne on the label, were false and misleading; and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser, since the said statements represented that the article was made exclusively from and consisted solely of eggs; whereas it was a product made in part from and consisted of an undeclared added substance, a lactose-containing ingredient.

On March 31, 1932, the case came on for trial before the court on a plea of not guilty entered on behalf of the defendant company. After a hearing by the court, judgment of guilty was entered and a fine of \$75 was imposed.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19590. Adulteration and misbranding of canned shrimp. U. S. v. 48 Cases of Canned Shrimp. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27729. I. S. No. 37238. S. No. 5820.)

Examination of the canned shrimp involved in this action showed that the article was partially decomposed and that the cans contained less than the declared weight.

On February 6, 1932, the United States attorney for the Eastern District of Louisiana, 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 48 cases of canned shrimp at New Orleans, La., alleging that on or about February 2, 1932, the Dorgan McPhillips Packing Corporation, New Orleans, La., delivered to the steamship company at New Orleans, a quantity of canned shrimp that was intended for export to a foreign country, and which was adulterated and misbranded in violation of the food and drugs act as amended. The article was labeled in part: (Can) "Gulf Kist Fancy Large Shrimp Contents Wet Pack 5¾ Oz. Packed by Dorgan McPhillips Packing Corp. Mobile, Alabama."

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

Misbranding was alleged for the reason that the statement on the can label, "Contents 5¾ Oz.," was false and misleading and deceived and misled the purchaser, since the said statement represented the contents of the cans as greater than was actually contained therein. 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 packages, since the statement made was not correct.

On March 8, 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.*

19591. Misbranding of canned loganberries. U. S. v. 198 Cases of Canned Loganberries. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 27733. I. S. Nos. 32470, 32485. S. Nos. 5821.)

Sample cans of loganberries taken from the shipment involved in this action having been found to be short weight, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of California.

On February 10, 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 198 cases of canned loganberries, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped in interstate commerce, on or about January 23, 1932, by the Cleary & Hillman Packing Co., from Salem, Oreg., to San Francisco, Calif., and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Can) "Red Spot Brand Loganberries Contents 7 Lbs. Packed by Cleary & Hillman Packing Co., Salem., Ore."

Misbranding of the article was alleged in the libel for the reason that the statement on the can label, "Contents 7 Lbs.," was false and misleading and deceived and misled the purchaser. 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 statement made was not correct.

On March 2, 1932, the Cleary & Hillman Packing Co., Salem, Oreg., 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 \$500, conditioned in part that it should not be sold or otherwise disposed of contrary to the provisions of the Federal food and drugs act, and all other laws, and further conditioned that it be made to comply with the law under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19592. Adulteration and misbranding of canned blackberries. U. S. v. 200 Cases of Canned Blackberries. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27806. I. S. No. 32497. S. No. 5886.)

Examination of the canned blackberries involved in this action showed that the product was in part moldy, and that the cans contained less than the declared weight.

On March 2, 1932, 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 200 cases of canned blackberries, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped in interstate commerce, on or about February 13, 1932, by the General Grocery Co., from Portland, Oreg., to San Francisco, Calif., and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Can) "Wellman Foods Solid Pack Pie Blackberries * * * 6 lbs. 10 oz. Wellman Peck & Co., Distributors, San Francisco, California.

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

Misbranding was alleged for the reason that the statement on the label, "6 lbs. 10 oz.," was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the quantity stated was incorrect.

On March 28, 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.*