

20452. Misbranding of cream meal, wheat flour, and corn flour. U. S. v. Scott County Milling Co. Plea of guilty. Fine, \$400 and costs. (F. & D. no. 26629. I. S. nos. 15151, 15152, 15156, 15157.)

This action was based on the interstate shipment of quantities of meal and flour in 6-pound, 24-pound, and 98-pound sacks. Sample sacks taken from each of the lots were found to contain less than the declared weight.

On October 12, 1931, the United States attorney for the Eastern District of Missouri, 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 Scott County Milling Co., a corporation, Sikeston, Mo., alleging shipment by said company in violation of the Food and Drugs Act, on or about March 17, 1931, from the State of Missouri into the State of Louisiana, of quantities of cream meal, wheat flour, and corn flour that were misbranded. The articles were labeled in part, variously: "The Scott County Milling Company The B M M Co. Cream Meal Sikeston, Oran & Dexter, Mo. * * * 24 Lbs. [or "6 Lbs.,"] Net Weight When Packed"; "Highest Winter Superior Patent Wheat Patent Dexter, Missouri * * * 6 Lbs. Net Weight When Packed"; "The Scott County Milling Company The B M M Co. Corn Flour * * * Corn Flour 98 Lbs. Net Weight When Packed."

It was alleged in the information that the articles were misbranded in that the statements, "24 Lbs. Net Weight", "6 Lbs. Net Weight", and "98 Lbs. Net Weight", were false and misleading, and for the further reason that the articles were labeled as aforesaid so as to deceive and mislead the purchaser, since the sacks contained less than the amount declared.

On October 10, 1932, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$400 and costs.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20453. Adulteration of canned salmon. U. S. v. 100 Cases, et al., of Canned Salmon. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. nos. 29099 to 29107, incl. Sample no. 16701-A.)

These actions involved the interstate shipment of a quantity of canned salmon, samples of which were found to be decomposed.

On October 20, 1932, the United States attorney for the Middle District of North Carolina, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 660 cases of canned salmon, remaining in the original unbroken packages in various lots at Winston-Salem, Mount Airy, and North Wilkesboro, N.C., alleging that the article had been shipped on or about August 31, 1932, by McGovern & McGovern, from Seattle, Wash., and had been transported from the State of Washington into the State of North Carolina, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "McGovern's Best Brand Alaska Pink Salmon."

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

On November 16, 1932, the Standard Packing Co., a corporation organized under the laws of the State of Washington, appeared and filed a claim and answer, admitting the material allegations of the libel and consenting to the entry of a decree. On November 17, 1932, the cases were consolidated into one cause of action and judgment was entered condemning and forfeiting the property. The claimant having represented that a large proportion of the salmon was fit for human consumption, but that there were no local facilities available for bringing the product into compliance with the law, the decree provided that it might be released for shipment to Seattle, Wash., upon payment of costs and the execution of a bond in the sum of \$1,500, conditioned that it should not be disposed of contrary to the provisions of the Federal Food and Drugs Act, and that it be brought into conformity with the law under the supervision of this Department.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20454. Adulteration of cauliflower. U. S. v. 20 Crates of Cauliflower. No claim entered. Verdict for the Government. Decree of condemnation, forfeiture, and destruction. (F. & D. no. 29263. I. S. no. 16911-A.)

This action was based on the interstate shipment of a quantity of cauliflower, examination of which showed the presence of arsenic in an amount which might have rendered the article injurious to health.

On October 17, 1932, the United States attorney for the Western 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 20 crates of cauliflower, remaining in the original unbroken packages at Shreveport, La., alleging that the article had been shipped in interstate commerce on or about October 4, 1932, by the Hartner Produce Co., from Denver, Colo., to Shreveport, La., 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 have rendered the article injurious to health.

On November 7, 1932, no claimant having appeared for the property and a jury having found that the allegations of the libel were true and correct, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20455. Adulteration of canned salmon. U. S. v. 1,000 Cases of Canned Salmon. Consent decree of condemnation and forfeiture. Product released under bond for segregation and destruction of decomposed portion. (F. & D. no. 29296. Sample no. 7725-A.)

This action involved the interstate shipment of a quantity of canned salmon, samples of which were found to be decomposed.

On or about November 16, 1932, the United States attorney for the Southern District of Florida, 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 1,000 cases of canned salmon, remaining in the original and unbroken packages at Jacksonville, Fla., alleging that the article had been shipped on or about September 26, 1932, by the Oceanic Sales Co., from Seattle, Wash., to Jacksonville, Fla., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Can) "Hypatia Brand * * * Oceanic Sales Co. Seattle, U. S. A. Distributors."

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

On November 25, 1932, the Superior Packing Co., a Washington corporation, claimant, having admitted the allegations of the libel 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 \$3,000, conditioned that the decomposed portion be segregated and destroyed.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20456. Adulteration of cauliflower. U. S. v. 34 Crates, et al., of Cauliflower. Default decrees of condemnation, forfeiture, and destruction. (F. & D. nos. 29210, 29211. Sample nos. 13319-A, 13322-A.)

These actions involved interstate shipments of cauliflower that was found to bear arsenic and lead in amounts which might have rendered it injurious to health.

On or about October 14, 1932, the United States attorney for the Southern District of Texas, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid, libels praying seizure and condemnation of 93 crates of cauliflower, remaining in the original crates at Houston, Tex., alleging that the article had been shipped by the Rocky Mountain Produce Co., from Denver, Colo., to Houston, Tex., on or about October 2 and October 3, 1932, and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libels that the article was adulterated in that it contained added poisonous and deleterious ingredients, arsenic and lead, which might have rendered it injurious to health.

On November 1, 1932, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20457. Adulteration of canned prunes. U. S. v. Ray-Maling Co. Plea of guilty. Fine, \$10. (F. & D. no. 27524. I. S. nos. 12182, 12209, 13756, 14774, 23998, 24040, 24041.)

This action was based on the interstate shipments of quantities of canned prunes that were found to be partially decomposed.