

20651. Adulteration of canned frozen whole eggs. U. S. v. Kadane-Brown, Inc. Plea of guilty. Fine, \$125. (F. & D. no. 28082. I.S. no. 38711.)

This action was based on the interstate shipment of a quantity of canned frozen whole eggs, samples of which were found to be decomposed.

On May 12, 1932, the United States attorney for the Northern District of Texas, 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 Kadane-Brown, Inc., a corporation, Dallas, Tex., alleging shipment by said company on or about September 23, 1931, in violation of the Food and Drugs Act, from the State of Texas into the State of New Jersey, of a quantity of canned frozen whole eggs that were adulterated. The article was labeled in part: (Cans) "Whole Eggs American Albumen Corporation Frozen Eggs * * * New York Dallas."

It was alleged in the information that the article was adulterated in that it consisted in part of decomposed and putrid animal substances.

On January 27, 1933, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$125.

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

20652. Adulteration and misbranding of potatoes. U. S. v. 240 Sacks of Potatoes. Default decree of forfeiture and destruction. (F. & D. no. 28348. Sample no. 3099-A.)

This action involved a shipment of potatoes represented to be United States grade no. 1 which were found to be below the grade specified.

On May 25, 1932, the United States attorney for the Eastern 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 a libel praying seizure and condemnation of 240 sacks of potatoes at Benton, Ill., alleging that the article had been shipped on or about May 14, 1932, by Chetek Equity Co-operative Produce Co., from Chetek, Wis., to Benton, Ill., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "U. S. Grade Number 1."

It was alleged in the libel that the article was adulterated in that potatoes below the grade indicated on the label had been substituted wholly or in part for the article.

Misbranding of the article was alleged for the reason that the statement on the tag, "U. S. Grade Number 1", was false.

On January 31, 1933, no claimant having appeared for the property, judgment of 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.*

20653. Adulteration of canned salmon. U. S. v. Independent Salmon Canneries, Inc. Plea of guilty. Fine, \$100 and costs. (F. & D. no. 28084. I. S. nos. 22367, 22368.)

This action was based on the shipment of a quantity of canned salmon, samples of which were found to be partially decomposed.

On September 6, 1932, 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 the district aforesaid an information against the Independent Salmon Canneries, Inc., Seattle, Wash., alleging shipment by said company on or about August 7, 1931, in violation of the Food and Drugs Act, from Ketchikan, Territory of Alaska, to Seattle, Wash., of a quantity of canned salmon that was adulterated.

It was alleged in the information that the article was adulterated in that it consisted in whole and in part of a filthy and decomposed and putrid animal substance.

On January 20, 1933, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100 and costs.

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

20654. Adulteration of canned tomato catsup. U. S. v. 46 Cans of Tomato Catsup. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 28726. Sample no. 15417-A.)

This action involved the interstate shipment of quantities of canned tomato catsup that was found to contain excessive mold.

On August 18, 1932, the United States attorney for the Southern District of Ohio, 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 46 cans of tomato catsup at Cincinnati, Ohio, alleging that the article had been shipped in part on or about April 27, 1932, from New York City, N.Y., and in part on or about May 25, 1932, from Landisville, N.J., by Francis H. Leggett & Co., to Cincinnati, Ohio, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Cans) "Unicorn Tomato Catsup. Francis H. Leggett & Co., Distributors, New York."

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

On January 30, 1933, the claim of Francis H. Leggett & Co., the sole intervenor, having been withdrawn, judgment of condemnation and forfeiture was entered, and the court ordered that the product be destroyed by the United States marshal.

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

20655. Misbranding of canned pimientos. U. S. v. 5 Cases of Canned Pimientos. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29165. Sample no. 16702-A.)

This action was based on the interstate shipment of a quantity of canned pimientos, sample jars of which were found to contain less than the declared weight.

On November 5, 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 a libel praying seizure and condemnation of five cases of canned pimientos, remaining in the original packages at Winston-Salem, N.C., alleging that the article had been shipped in interstate commerce on or about August 12, 1932, by the Sumter Packing Co., Inc., from Sumter, S. C., to Winston-Salem, N. C., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Sumter Brand Sweet Red Pimientos, Contents 7 Ozs. Packed by the Sumter Packing Co., Inc., Sumter, S. C."

It was alleged in the libel that the article was misbranded in that the statement "Contents 7 Ozs." 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 quantity stated was incorrect.

On January 16, 1933, 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.

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

20656. Adulteration of canned mixed vegetables. U. S. v. 8 Cases and 5 Cases of Canned Mixed Vegetables. Default decrees of condemnation, forfeiture, and destruction. (F. & D. nos. 28518, 28519. Sample nos. 8365-A, 8366-A.)

These actions involved interstate shipments of canned mixed vegetables that were in part decomposed.

On July 26, 1932, the United States attorney for the Middle 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 libels praying seizure and condemnation of 13 cases of canned mixed vegetables, remaining in the original unbroken packages at Lebanon, Pa., alleging that the article had been shipped in interstate commerce, on or about June 4 and June 7, 1932, by the Phillips Packing Co., from Cambridge, Md., to Lebanon, Pa., and charging adulteration in violation of the Food and Drugs Act. A portion of the article was labeled in part: (Can) "Castle Haven Brand Mixed Vegetables." The remainder was labeled in part: (Can) "Phillips Delicious Mixed Vegetables."

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

On January 18, 1933, 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.*