

20705. Adulteration of crab meat. U. S. v. 2 Barrels of Crab Meat. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 28568. Sample no. 13131-A.)

This case involved a lot of crab meat that was found to contain filth.

On August 2, 1932, 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 a libel praying seizure and condemnation of two barrels of crab meat, remaining in the original unbroken packages at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about July 28, 1932, by W. C. Larrimore, from St. Michaels, Md., to Philadelphia, Pa., 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.

On August 31, 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.

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

20706. Adulteration of butter. U. S. v. 18 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reworked. (F. & D. no. 29006. Sample no. 11021-A.)

This action involved a quantity of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter provided by Congress.

On September 21, 1932, the United States attorney for the Southern District of New York, 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 18 tubs of butter at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about September 10, 1932, by the Orchard Alfalfa Cooperative Creamery, from Orchard, Nebr., to New York, N. Y., and charging adulteration in violation of the Food and Drugs Act.

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

Alex Grossman & Co., Inc., interposed a claim for the property as agent for the Orchard Alfalfa Cooperative Creamery, of Orchard, Nebr., admitted the allegations of the libel, consented to the entry of a decree, and agreed that the product be reconditioned so that it contain at least 80 percent of butterfat. On October 8, 1932, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$300, conditioned that it be reworked so that it comply with the Federal Food and Drugs Act and all other laws.

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

20707. Adulteration of canned salmon. U. S. v. 650 Cases of Canned Salmon. Consent decree of condemnation and forfeiture. Product released under bond for separation and destruction of decomposed portion. (F. & D. no. 29286. Sample no. 7780-A.)

This case involved the interstate shipment of a quantity of canned salmon that was found to be in part decomposed.

On November 14, 1932, the United States attorney for the Northern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States a libel praying seizure and condemnation of 650 cases of canned salmon. It was alleged in the libel that the article had been shipped in interstate commerce on or about September 27, 1932, by McGovern & McGovern, from Seattle, Wash., to Atlanta, Ga., where it remained in the original unbroken packages, and that it was adulterated in violation of the Food and Drugs Act. The article was labeled in part: "McGovern's Best Brand Pink Alaska Salmon Distributed by McGovern & McGovern, Seattle, U. S. A."

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a decomposed animal substance.

On November 25, 1932, the Standard Packing Co., Seattle, Wash., filed a claim and answer admitting the allegations of the libel, consenting to the entry

of a decree, and praying that the product be released for shipment to Seattle, Wash., there to be reconditioned by the segregation and destruction of all salmon found unfit for human consumption. On the same date judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be delivered to the claimant upon payment of costs and the execution of a bond in the sum of \$2,000, conditioned that it should not be disposed of contrary to the Federal Food and Drugs Act, and all other laws.

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

20708. Misbranding of brown wheat shorts, U. S. v. 112 Bags of Brown Wheat Shorts. Consent decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. no. 29705. Sample no. 18280-A.)

This action involved a quantity of brown wheat shorts, samples of which were found to contain less than 16 percent of protein, the amount declared on the label.

On January 3, 1933, the United States attorney for the Southern District of Mississippi, 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 112 bags of the said brown wheat shorts, remaining in the original unbroken packages at Philadelphia, Miss., consigned by the Model Mill Co., Jackson, Tenn. It was alleged that the article had been shipped in interstate commerce on or about November 28, 1932, from Jackson, Tenn., to Philadelphia, Miss., and misbranding was charged in violation of the Food and Drugs Act. The article was labeled in part: "Model Brown Wheat Shorts Manufactured by the Model Mill Company, Jackson, Tenn. Guaranteed Analysis Crude Protein not less than sixteen percent."

It was alleged in the libel that the article was misbranded in that the following statement appearing on the label was false and misleading and deceived and misled the purchaser: "Crude protein not less than sixteen percent."

On January 30, 1933, the Model Mill Co., Jackson, Tenn., 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 claimant upon payment of costs and the execution of a bond in the sum of \$100, conditioned in part that it should not be disposed of until relabeled to show the true protein content.

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

20709. Misbranding of candy. U. S. v. 33 Cases and 10 Cases of Candy. Decree of condemnation and forfeiture. Product released under cash bond. (F. & D. no. 29690. Sample nos. 16369-A, 16370-A.)

This action involved interstate shipments of candy, sample packages of which were found to contain less than 1 pound, the weight declared on the label.

On December 29, 1932, the United States attorney for the District of Massachusetts, 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 43 cases of candy, remaining in the original unbroken packages at Boston, Mass., alleging that the article had been shipped in interstate commerce in part on or about November 6, 1932, and in part on or about December 6, 1932, by the McGregor Toffee Co., from Brooklyn, N. Y., to Boston, Mass., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "McGregor R. & B. Toffee [or "McGregor Assorted Toffee] Manufactured by McGregor Toffee Company, Brooklyn, N. Y. Net Weight 1 lb."

It was alleged in the libel that the article was misbranded in that the statement on the label, "Net Weight 1 lb.", 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 statement made was not correct.

On January 31, 1933, C. S. Allen, trading as the McGregor Toffee Co., Brooklyn, N. Y., having appeared as claimant for the property and having admitted the allegations of the libel, 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 deposit of collateral in the sum of