

20800. Adulteration of canned shrimp. U. S. v. 21½ Cases of Canned Shrimp. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29740. Sample no. 22450-A.)

This case involved an interstate shipment of canned shrimp that was found to be in part decomposed.

On January 12, 1933, the United States attorney for the District of Maryland, 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 21½ cases of canned shrimp at Baltimore, Md., alleging that the article had been shipped in interstate commerce on or about December 14, 1932, by the American Stores Co., from Philadelphia, Pa., to Baltimore, Md., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "(Can) "Lou-Z-Ana Brand Selected Shrimp Grand Caillou Packing Co., Inc., Houma, La."

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

On March 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 by the United States marshal.

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

20801. Misbranding of canned cherries. U. S. v. 51 Cases of Canned Cherries. Consent decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. no. 29779. Sample no. 2465-A.)

This case involved an interstate shipment of canned cherries in which the sugar content of the liquid portion was found to be below the standard established by this Department—indicating that the product was water-packed—and which was not labeled to show that it was substandard.

On February 6, 1933, the United States attorney for the District of Wyoming, acting upon a report by the Secretary of Agriculture, filed in the United States District Court a libel praying seizure and condemnation of 51 cases of canned cherries at Fort Francis E. Warren, Wyo., alleging that the article had been shipped in interstate commerce on or about December 10, 1932, by the Morey Mercantile Co., from Denver, Colo., into the State of Wyoming, and charging misbranding in violation of the Food and Drugs Act as amended.

It was alleged in the libel that the article was misbranded in that it fell below the standard of quality and condition promulgated by the Secretary of Agriculture for canned cherries, and its package or label did not bear a plain and conspicuous statement prescribed by the Secretary, indicating that it fell below such standard. Misbranding was alleged for the further reason that the statements on the label, "Silver Brand, Red Pitted Cherries Net Weight 6 Lbs., 4 Ozs. * * * Packed for and fully guaranteed by the Morey Mercantile Co., Denver, Colo.", were false and misleading, since the product consisted of water-packed cherries and its package or label did not bear a plain and conspicuous statement indicating that it consisted of water-packed cherries.

On March 6, 1933, the Morey Mercantile Co., Denver, Colo., 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 \$250, conditioned that it be relabeled to show its true nature.

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

20802. Adulteration of evaporated apples. U. S. v. 128 Boxes of Evaporated Apples. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. no. 29675. Sample no. 26015-A.)

This case involved an interstate shipment of evaporated apples that were in part insect-infested, decomposed, and dirty.

On December 23, 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 a libel praying seizure and condemnation of 128 boxes of evaporated apples, remaining in the original unbroken packages at Alameda, Calif., alleging that the article had been shipped in interstate commerce on or about December 15, 1932, by the Oregon Packing Co., from Yakima, Wash., to Alameda, Calif., and charging adulteration in violation of the Food and Drugs Act.