

**20854. Adulteration of frozen blackfins. U. S. v. 5 Boxes of Frozen Blackfins. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29878. Sample no. 4573-A.)**

This action involved the interstate shipment of a quantity of frozen blackfins, samples of which were found to be infested with worms.

On January 31, 1933, 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 a libel praying seizure and condemnation of five boxes (875 pounds) of frozen blackfins at Chicago, Ill., alleging that the article had been shipped on or about August 10, 1932, by James Lessard, from Ranier, Minn., to Chicago, Ill., 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 in part of a filthy, decomposed, or putrid animal substance, and in that it consisted of portions of animals unfit for food.

On April 4, 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.*

**20855. Adulteration and misbranding of mustard. U. S. v. 4 Cases and 6 Cases of Mustard. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29964. Sample nos. 34563-A, 34564-A.)**

This case involved an interstate shipment of prepared mustard that contained added mustard bran.

On March 21, 1933, the United States attorney for the District of Rhode Island, 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 10 cases of prepared mustard at Providence, R.I., alleging that the article had been shipped in interstate commerce, on or about January 21, 1933, by the Mid-West Food Packers, Inc., from Fowlerton, Ind., to Providence, R.I., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Trump Brand Pure Prepared Mustard."

It was alleged in the libel that the article was adulterated in that mustard bran had been substituted in part for the article.

Misbranding was alleged for the reason that the statement on the label, "Prepared Mustard", was false and misleading and deceived and misled the purchaser, when applied to a product containing added mustard bran; and for the further reason that the article was offered for sale under the distinctive name of another article.

On April 13, 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.*

**20856. Misbranding of canned strawberries. U. S. v. 117 Cases of Canned Strawberries. Decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. no. 29998. Sample no. 22978-A.)**

This case involved an interstate shipment of canned strawberries, samples cans of which were found to contain less than the declared weight.

On March 25, 1933, 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 117 cases of canned strawberries at San Francisco, Calif., alleging that the article had been shipped in interstate commerce, on or about March 14, 1933, by Ray-Maling Co., Inc., from Portland, Oreg., to San Francisco, Calif., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Raycrest Brand Unsweetened Strawberries, net weight 1 lb. 4 ozs. \* \* \* Packed by Ray-Maling Co., Inc., Kitchens, Hillsboro, Oregon."

It was alleged in the libel that the article was misbranded in that the statement "Net Weight 1 lb. 4 ozs.", appearing on the label, was false and misleading and deceived and misled the purchaser, since the product was short weight. 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 incorrect.