

**21661. Adulteration of crab meat. U. S. v. 1 Barrel of Crab Meat. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30785. Sample no. 37906-A.)**

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

On July 29, 1933, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the District of Columbia, holding a district court, a libel praying seizure and condemnation of one barrel of crab meat at Washington, D.C., alleging that the article had been shipped in interstate commerce on or about July 27, 1933, by Ballard Bros. Fish Co., from Exmore, Va., 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 whole or in part of a filthy animal substance.

On October 18, 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.

M. L. WILSON, *Acting Secretary of Agriculture.*

**21662. Adulteration and misbranding of canned cherries. U. S. v. 90 Cases of Canned Cherries. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30720. Sample no. 38567-A.)**

This case involved an interstate shipment of a product which was represented to be canned pitted cherries but which was found to contain excessive pits.

On July 15, 1933, the United States attorney for the District of Nevada, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 90 cases of canned cherries at Boulder City, Nev., alleging that the article had been shipped in interstate commerce on or about February 13, 1933, by John Scowcroft Sons Co. from Ogden, Utah, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Utah Valley Brand Water Red Sour Pitted Cherries."

It was alleged in the libel that the article was adulterated in that partly pitted water-pack cherries had been substituted for pitted water-pack cherries.

Misbranding was alleged for the reason that the statement, "Red Pitted Cherries", borne on the label, was false and misleading and deceived and misled the purchaser when applied to partly pitted cherries.

On October 11, 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.

M. L. WILSON, *Acting Secretary of Agriculture.*

**21663. Misbranding of canned cherries. U. S. v. 60 Cases of Canned Cherries. Default decree of condemnation and forfeiture. Product delivered to a charitable institution. (F. & D. no. 30642. Sample no. 42059-A.)**

This action involved an interstate shipment of canned cherries in which the sugar solution of the liquid portion was below the standard established by this Department and which was not labeled to indicate that it was substandard.

On June 27, 1933, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 60 cases of canned cherries at Denver, Colo., consigned by the Colorado Brokerage Co., alleging that the article had been shipped in interstate commerce on or about March 30, 1933, from Ogden, Utah, and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Golden B Brand Pitted Royal Anne Cherries. Packed by Brigham City Canning Co., Brigham City, Utah."

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 such canned food, because its liquid portion read below 16 degrees Brix, and its package or label did not bear a plain and conspicuous statement prescribed by regulation of this Department indicating that it fell below such standard.

On November 3, 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 delivered to a charitable institution.

M. L. WILSON, *Acting Secretary of Agriculture.*

**21664. Adulteration and misbranding of canned grapefruit juice. U. S. v. 13 Cases and 11 Cans of Grapefruit Juice. Default entered. Product delivered to Veterans' Hospital. (F. & D. no. 30575. Sample no. 36199-A.)**

This case involved a shipment of canned grapefruit juice which contained added sugar. Sample cans taken from the lot were found to contain less than one-half pint, the labeled volume.

On June 12, 1933, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 13 cases and 11 cans of grapefruit juice at Ogden, Utah, alleging that the article had been shipped in interstate commerce on or about May 4, 1933, the shipment having been made ex steamship *S. A. Perks*, from Seattle, Wash., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Can) "Scowcroft's Blue Pine Grapefruit Juice Contents One Half Pint."

It was alleged in the libel that the article was adulterated in that grapefruit juice with added sugar had been substituted in whole or in part for the article.

Misbranding was alleged for the reason that the statements, "Grapefruit Juice", and "Contents One Half Pint", were false and misleading and tended to deceive and mislead 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 statement made was not correct, and for the further reason that it was offered for sale under the distinctive name of another article.

On October 19, 1933, no claimant having appeared for the property, a decree was entered ordering that the product be delivered to the Veterans' Hospital.

M. L. WILSON, *Acting Secretary of Agriculture.*

**21665. Adulteration of butter. U. S. v. Nelson-Ricks Creamery Co. Plea of guilty. Fine, \$50. (F. & D. no. 30287. Sample no. 25245-A.)**

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

On August 23, 1933, the United States attorney for the District of Idaho, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Nelson-Ricks Creamery Co., a corporation, trading at Rexburg, Idaho, alleging shipment by said company in violation of the Food and Drugs Act, on or about September 16, 1932, from the State of Idaho into the State of California, of an article of food, butter, which was adulterated.

It was alleged in the information 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.

On October 10, 1933, a plea of guilty to the information was entered on behalf of the defendant corporation, and the court imposed a fine of \$50.

M. L. WILSON, *Acting Secretary of Agriculture.*

**21666. Adulteration and misbranding of butter. U. S. v. Frye & Co. Plea of guilty. Fine, \$50. (F. & D. no. 30271. Sample no. 1569-A.)**

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

On September 22, 1933, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Frye & Co., a corporation, trading at Portland, Oreg., alleging shipment by said company in violation of the Food and Drugs Act, on or about July 25, 1932, from the State of Oregon into the State of Washington, of an article of food, butter, which was adulterated and misbranded. The article was labeled in part: "Standard Grade Butter \* \* \* Creamery Butter."

It was alleged in the information 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.