

district court an information against Melville B. Levi, trading as the Rosemel Fruit Co., alleging shipment by said defendant on or about January 6, 1932, from the State of California into the State of Washington, of a quantity of dried grapes that were adulterated.

It was alleged in the information that the article was adulterated in that it consisted in part of a filthy vegetable and animal substance, owing to dirt and insect infestation.

On October 24, 1933, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$50.

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

21683. Adulteration and misbranding of apple butter. U. S. v. 9 Cases of Apple Butter. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30050. Sample nos. 4622-A, 33972-A.)

On April 6, 1933, the United States attorney for the Western District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of nine cases of apple butter at Grand Rapids, Mich., alleging that the article was misbranded in violation of the Food and Drugs Act as amended. On May 22, 1933, an amended libel was filed charging that the article was also adulterated. The libels charged that the article had been transported in interstate commerce by Preserves & Honey, Inc., on or about February 2, 1933, from St. Louis, Mo., into the State of Michigan. The article was labeled in part: (Jar) "Shady Dell Brand Pure Apple Butter, Net Weight 2 lb. 6 oz."

It was alleged in the libel as amended that the article was adulterated in that it consisted in whole or in part of filthy vegetable and animal substances.

Misbranding was alleged for the reason that the statement, "Net Weight 2 lb. 6 oz.", borne on the jar label, was false and misleading and deceived and misled the purchaser, since the jars contained less than so declared. 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.

On November 21, 1933, the claimant, Preserves & Honey, Inc., St. Louis, Mo., having withdrawn its claim and answer, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States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.*

21684. Adulteration of canned tomatoes. U. S. v. 567 Cases of Canned Tomatoes. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31014. Sample no. 40859-A.)

This case involved an interstate shipment of canned tomatoes that were found to contain maggots.

On August 29, 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 a libel praying seizure and condemnation of 567 cases of canned tomatoes at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about June 23, 1933, by the Seaside Canning Co., from Ocean City, Md., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Turkey Red Brand Tomatoes, * * * Packed by Seaside Canning Co., Ocean City, Md."

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy, decomposed, and putrid vegetable substance.

On October 9, 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.*

21685. Adulteration of canned shrimp. U. S. v. 140 Cases, et al., of Canned Shrimp. Default decrees of condemnation and destruction. (F. & D. nos. 30951, 30957, 31040. Sample nos. 41004-A, 41005-A, 41012-A, 41013-A, 42381-A.)

These cases involved interstate shipments of canned shrimp that was found to be in part decomposed.

On August 17, 1933, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 140 cases of canned shrimp at Cincinnati, Ohio. On August 17 and September 1, 1933, the United States

attorney for the District of Minnesota filed libels against 213 cases of canned shrimp at St. Paul, Minn. It was alleged in the libels filed in the District of Minnesota, that the article had been shipped in interstate commerce by the Biloxi Canning & Packing Co., of Biloxi, Miss., in part from Biloxi, Miss., on or about June 27, 1933, and in part from New Orleans, La., on or about July 1, 1933. The records indicate that the lot seized at Cincinnati, Ohio, was also shipped by the Biloxi Canning & Packing Co., from Biloxi, Miss., on or about July 19, 1933. The article was labeled in part: "B C P Brand [or "Fountain's Choice Brand" or "Biloxi Miss Brand"] Shrimp * * * Packed by Biloxi Canning & Packing Co., Inc., Biloxi, Miss."

The libels charged that the article was adulterated in violation of the Food and Drugs Act in that it consisted in part of a decomposed animal substance.

On October 3, 5, and 14, 1933, no claimant having appeared for the property, judgments of condemnation were 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.*

21686. Adulteration of tullibeas. U. S. v. 4 Boxes of Tullibeas. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31304. Sample no. 45975-A.)

This case involved a shipment of tullibeas that were infested with parasitic worms.

On September 26, 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 a libel praying seizure and condemnation of four boxes of tullibeas at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about September 19, 1933, by B. Arneson, from Warroad, Minn., 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, and putrid animal substance. Adulteration was alleged for the further reason that the article consisted of portions of animals unfit for food.

On November 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.

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

21687. Adulteration of huckleberries. U. S. v. A Quantity of Huckleberries. Default decree of condemnation and destruction. (F. & D. no. 31171. Sample nos. 42663-A, 50254-A.)

This case involved a shipment of huckleberries that were filthy or decomposed.

On September 11, 1933, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of a quantity of huckleberries at Cincinnati, Ohio, consigned by H. A. (or H. E.) Roudabush, alleging that the article had been shipped in interstate commerce on or about August 7, 8, and 9, 1933, from Shenandoah, Va., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "H. A. Roudabush [or "H. E. Roudabush"] Shenandoah, Va."

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

On October 17, 1933, no claimant having appeared for the property, judgment was entered nunc pro tunc, as of September 18, 1933, ordering that the product be condemned and destroyed.

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

21688. Misbranding of butter. U. S. v. Sugar Creek Creamery Co. Plea of guilty. Fine, \$200. (F. & D. no. 30156. Sample nos. 8505-A, 8506-A.)

Sample packages of butter taken from the shipment on which this case was based were found to contain less than 1 pound, the labeled weight.

On June 2, 1933, the United States attorney for the Southern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Sugar Creek Creamery Co., a corporation, trading at Evansville, Ind., alleging shipment by said company in violation of the Food and Drugs Act as amended, on or about August 13, 1932, from the State of Indiana into the State of Pennsylvania, of a quantity of butter