

21699. Adulteration of canned pineapple. U. S. v. 118 Cases of Canned Pineapple. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31059. Sample no. 49484-A.)

This case involved an import shipment of canned pineapple that was found to be decomposed.

On September 6, 1933, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 118 cases of canned pineapple at St. Louis, Mo., alleging that the article had been shipped by the Cuban Canning Co., from Naranjita, Havana, Cuba, to New Orleans, La., that it had been reshipped from New Orleans to St. Louis, Mo., on or about July 8, 1933, and that it was adulterated in violation of the Food and Drugs Act. The article was labeled in part: "Palmeras Sliced Havana Pineapple * * * Packed by the Cuban Canning Co., Naranjito, Havana, Cuba."

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

On October 27, 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.*

21700. Misbranding of canned cherries. U. S. v. 60 Cases of Canned Cherries. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31032. Sample no. 40763-A.)

This action involved the interstate shipment of a product which was represented to be pitted cherries, but which was found to contain excessive pits. The article was packed in a solution that did not contain sufficient sugar to bring the liquid portion up to the standard prescribed by this Department, and was not labeled to indicate that it was substandard. Sample cans taken from the shipment were also found to contain less than 7 pounds, the labeled weight.

On September 15, 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 60 cases of canned cherries at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about July 12, 1933, by the John C. Morgan Co., from Traverse City, Mich., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Contents Seven Lbs. Aloia Brand Red Pitted Cherries."

It was alleged in the libel that the article was misbranded in that the statement on the label, "Contents Seven Lbs.," was false and misleading, and deceived and misled 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 was incorrect. Misbranding was alleged for the further reason that the article was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture, because of excessive pits and because the 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 such canned food fell below such standard.

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.*

21701. Adulteration and misbranding of butter. U. S. v. 15 Cases of Butter. Default decree of destruction. (F. & D. no. 30989. Sample no. 42842-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. The packages containing the article failed to bear a statement on the label of the quantity of the contents.

On August 4, 1933, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 15 cases of butter at Kansas City, Mo., alleging that the article had been shipped in interstate