

21845. Adulteration of huckleberries. U. S. v. 35 Crates of Huckleberries. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31169. Sample no. 40271-A.)

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

On September 20, 1933, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 35 crates of huckleberries at Pittsburgh, Pa., alleging that the article had been shipped in interstate commerce on or about August 31, 1933, by the Meyers Weil Co., from Cleveland, Ohio, 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 wholly or in part of a filthy, decomposed, or putrid substance.

On December 6, 1933, no claimant having appeared for the property, judgment of condemnation 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.*

21846. Adulteration of canned shrimp. U. S. v. 100 Cartons of Canned Shrimp. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31218. Sample no. 46856-A.)

This case involved a shipment of canned shrimp, samples of which were found to be decomposed.

On October 7, 1933, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 100 cartons of shrimp at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about September 12, 1933, by the Burgess-Humphreys Canning Co., Inc., from New Orleans, La., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part "Pirate Brand * * * Shrimp * * * Packed by Burgess-Humphreys Canning Co., Inc, New Orleans, La."

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

On January 4, 1934, the Burgess-Humphreys Canning Co., Inc., having entered an appearance solely for the purpose of procuring samples, and no other party having intervened, 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.*

21847. Misbranding of mayonnaise. U. S. v. 49 Dozen Jars, et al., of Mayonnaise. Default decree of condemnation, forfeiture, and destruction. (F. & D. nos. 31222, 31223, 31224. Sample nos. 55594-A, 55595-A, 55597-A, 55598-A.)

These cases involved interstate shipments of mayonnaise that was not properly labeled to indicate the quantity of the contents, since the statements were ambiguous, and in most lots shortages were found whether the statement was interpreted in terms of weight or liquid measure.

On October 10, 1933, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 78 dozen jars of mayonnaise at Atlantic City, N.J., alleging that the article had been shipped in various consignments on or about April 13, August 20, and August 22, 1933, by the Bronson Mayonnaise Manufacturing Co., from Philadelphia, Pa., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part, variously: "Cont. 8 ozs. J. D. W. Brand Mayonnaise"; "Cont. 8 ozs. Rose-Marie Brand Mayonnaise Packed for C. G. Incorporated Atlantic City, N.J."; "Jay and Ess Brand Cont. 8 ozs. [or "16 Ozs." or "32 ozs."] Mayonnaise."

It was alleged in the libels that the article was misbranded in that the statements on the labels, "8 ozs.", "16 ozs.", and "32 ozs.", were 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 packages, since the statements made were ambiguous, and since the

product in most lots was short of the declared quantity whether the statement was construed on the basis of weight or on the basis of volume, and since the product in one of the lots was invoiced as containing 1-pint jars and was packed in jars meant to hold 1 pint, although the label read "Cont. 8 ozs."

On January 31, 1934, no claimant having appeared for the property, judgments of condemnation and forfeiture 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.*

21848. Adulteration of dried peaches. U. S. v. 100 Cases and 25 Cases of Dried Peaches. Default decrees of condemnation and destruction. (F. & D. nos. 31233, 31234. Sample nos. 44480-A, 44481-A.)

These cases involved interstate shipments of dried peaches that were insect-infested and filthy.

On October 13, 1933, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 125 cases of dried peaches at Altoona, Pa., alleging that the article had been shipped in interstate commerce, on or about September 15, 1933, by the California Prune & Apricot Growers Association, of San Jose, Calif., from San Francisco, Calif., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libels that the article was adulterated in that it consisted wholly or in part of a filthy vegetable substance.

On December 29, 1933, no claimant having appeared for the property, judgments of condemnation and forfeiture 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.*

21849. Adulteration of dates. U. S. v. 40 Cartons of Dates. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31248. Sample no. 61427-A.)

This case involved a shipment of dates that were found to be insect-infested.

On October 18, 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 40 cartons of dates at Denver, Colo., alleging that the article had been shipped in interstate commerce on or about September 29, 1933, from New York, N.Y., having been consigned by Capitol Candied Nuts, Inc., New York, N.Y., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Sugar Rolled Dates Capitol Candied Nuts Inc."

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

On December 21, 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.*

21850. Adulteration of canned shrimp. U. S. v. 106 Cases of Canned Shrimp. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31258. Sample no. 54726-A.)

This case involved a shipment of canned shrimp that was in part decomposed.

On October 24, 1933, the United States attorney for the District of Idaho, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 106 cases of canned shrimp at Boise, Idaho, alleging that the article had been shipped in interstate commerce on or about September 20, 1933, by James Fenwick & Co., from Portland, Oreg., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Cases) "Gulf's Best Brand Shrimp * * * Packed by Deer Island Fish & Oyster Co., Biloxi, Miss."

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

On December 5, 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.*