

part of domestic cottonseed oil, and 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 quantity stated was not correct.

On February 21, 1934, 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 relief agency.

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

22114. Adulteration of canned tomatoes. U. S. v. 795 Cases of Canned Tomatoes. Default decree of condemnation, forfeiture, and destruction. (F. & D. nos. 31604, 31631. Sample no. 46769-A.)

This case involved a shipment of canned tomatoes which were found to contain insect larvae.

On November 25, 1933, the United States attorney for the Southern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 795 cases of canned tomatoes in part at Houston, Tex., and in part at College Station, Tex., alleging that the article had been shipped in interstate commerce, on or about October 14, 1933, by A. W. Sisk & Son, from Baltimore, Md., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Red-Glo Brand Tomatoes * * * Albert W. Sisk & Son, Distributors, Preston, Md."

It was alleged in the libel that the article was adulterated in that it contained insect larvae.

On March 19, 1934, no claimant having appeared, 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.*

22115. Adulteration of canned shrimp. U. S. v. 428 Cases of Canned Shrimp. Consent decree of condemnation and forfeiture. Product released under bond for segregation and destruction of decomposed portion. (F. & D. no. 31634. Sample no. 51808-A.)

This case involved a shipment of canned shrimp which was found to be in part decomposed.

On November 27, 1933, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 428 cases of canned shrimp at New York, N.Y., alleging that the article had been shipped in interstate commerce, on or about October 11, 1933, by L. P. Maggioni & Co., from Savannah, Ga., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Mermaid Brand Shrimp * * * Packed by L. P. Maggioni & Co., * * * Savannah, Ga."

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 March 9, 1934, L. P. Maggioni & Co., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned in part that it be examined under the supervision of this Department and the decomposed portion destroyed.

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

22116. Adulteration of butter. U. S. v. 9 Tubs of Butter. Default decree of condemnation and forfeiture. Product delivered to charitable institution. (F. & D. no. 31651. Sample no. 51902-A.)

This case involved a shipment of butter which contained less than 80 percent of milk fat.

On November 9, 1933, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of nine tubs of butter at New York, N.Y., alleging that the article had been shipped in interstate commerce, on or about October 21, 1933, by the Nebraska Cooperative Creamery, Inc., from Omaha, Nebr., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel 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 March 9, 1934, 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.*

22117. Misbranding of stock feed. U. S. v. 90 Bags and 68 Bags of Stock Feed. Default decrees of condemnation, forfeiture, and destruction. (F. & D. nos. 31660, 31661. Sample nos. 14141-A, 14142-A.)

These cases involved shipments of stock feed which contained less protein and more fiber than declared on the label.

On or about December 2, 1933, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 158 bags of stock feed, in part at Elkton, Md., and in part at Baltimore, Md., alleging that the article had been shipped in interstate commerce, on or about September 13 and September 28, 1933, by A. Overholt & Co., from Broad Ford, Pa., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Tag) "Overco Stock Feed Manufactured and Packed by A. Overholt & Co., Broad Ford, Pa., * * * Protein 18.00 Fat * * * Fibre 16.58."

It was alleged in the libels that the article was misbranded in that the statements on the tags, "Protein 18.00" and "Fibre 16.58", were false and misleading and deceived and misled the purchaser, since the article contained less than 18 percent of protein and more than 16.58 per cent of fiber.

On March 9, 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.*

22118. Adulteration of apple pomace. U. S. v. 671 Bags of Apple Pomace. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31717. Sample no. 59618-A.)

This case involved a shipment of apple pomace which contained arsenic trioxide and lead in amounts which might have rendered it injurious to health.

On December 14, 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 671 bags of apple pomace at Chicago, Ill., alleging that the article had been shipped in interstate commerce, on or about October 20, 1933, by the Duffy-Mott Co., Inc., from Voorheesville, N.Y., 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 contained added poisonous and deleterious ingredients, arsenic trioxide and lead, which might have rendered it harmful to health.

On January 9, 1934, 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.*

22119. Adulteration of canned shrimp. U. S. v. 300 Cases of Canned Shrimp. Default decree of forfeiture and destruction. (F. & D. no. 31761. Sample no. 58049-A.)

This case involved a shipment of canned shrimp which was found to be in part decomposed.

On December 22, 1933, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 300 cases of canned shrimp at Salem, Mass., alleging that the article had been shipped in interstate commerce, on or about October 7, 1933, by Dorgan, McPhillips Packing Corporation, of Mobile, Ala., from New Orleans, La., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Can) "Little Chief Brand Shrimp Wet Pack * * * Distributed by Dorgan, McPhillips Packing Corp., Executive Offices Mobile, Alabama."

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