

district court a libel praying seizure and condemnation of 750 cases of canned shrimp at Oakland, Calif., alleging that the article had been shipped in interstate commerce, on or about September 16, 1933, by the C. B. Foster Packing Co., Inc., from New Orleans, La., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Miss-Lou Brand Dry Pack Shrimp * * * Packed by C. B. Foster Packing Co., Inc., Biloxi, Miss."

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

On April 17, 1934, the C. B. Foster Packing Co., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon the execution of a bond in the sum of \$2,500, conditioned that it should not be disposed of contrary to the provisions of the Federal Food and Drugs Act, and it was further ordered that claimant pay costs of the proceedings.

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

22214. Adulteration of canned shrimp. U. S. v. 817 Cases of Canned Shrimp. Consent decree of destruction. (F. & D. no. 31272. Sample no. 41149-A.)

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

On October 25, 1933, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 817 cases of canned shrimp at Minneapolis, Minn., alleging that the article had been shipped in interstate commerce, on or about August 29, 1933, by the Dorgan McPhillips Packing Corporation, from New Orleans, La., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Gulf Kist Brand Shrimp * * * Packed by Dorgan McPhillips Packing Corp. Mobile, Ala."

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

On April 23, 1934, the Dorgan McPhillips Packing Corporation, the sole intervener, having consented to the entry of a decree, judgment was entered ordering that the product be destroyed by the United States marshal.

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

22215. Adulteration of canned tomatoes. U. S. v. 978 Cases of Canned Tomatoes. Decree of condemnation and forfeiture. Product released under bond for segregation and destruction of unfit portion. (F. & D. no. 31296. Sample no. 46768-A.)

Sample cans of tomatoes taken from the shipment involved in this case were found to contain insect larvae.

On October 30, 1933, the United States attorney for the Western District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 978 cases of canned tomatoes at Lake Charles, La., alleging that the article had been shipped in interstate commerce, on or about September 25, 1933, by A. W. Sisk & Son, of Preston, Md., from Baltimore, Md., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Hinton's Brand Hand Packed Tomatoes * * * Packed by I. D. Hinton & Son, Brown's Store, Va."

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

On April 6, 1934, Ira D. Hinton & Son, Brown's Store, Va., having appeared as claimant for the property and having admitted the allegations of the libel, 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 \$500, conditioned that the unfit portion be segregated and destroyed.

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

22216. Adulteration of canned shrimp. U. S. v. 250 Cases of Canned Shrimp. Default decree of condemnation and forfeiture. Product delivered to fish hatcheries for use as fish food. (F. & D. no. 31299. Sample no. 51331-A.)

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

On October 31, 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 250 cases of canned shrimp at New York, N. Y., alleging that the article had been shipped in interstate commerce, on or about September 23, 1933, by the Garner Packing Co., from Gulfport, Miss., 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 decomposed animal substance.

On April 5, 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 the Bureau of Fisheries for use as fish food.

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

22217. Adulteration of canned salmon. U. S. v. Copper River Packing Co. Plea of guilty. Fine, \$240 and costs. (F. & D. no. 31350. Sample nos. 2194-A, 9296-A, 13317-A, 13325-A, 14646-A, 16151-A, 16160-A, 22542-A, 22550-A, 28085-A.)

On March 19, 1934, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Copper River Packing Co., Seattle, Wash., alleging that the defendant company had shipped, between the dates of August 22, 1932, and October 4, 1932, from the State of Washington into the States of Utah, Maine, Texas, California, Kansas, Virginia, and Colorado, through an agent, quantities of canned salmon which was adulterated in violation of the Food and Drugs Act. The article was labeled in part: "Happy Vale Brand Pink Salmon * * * Packed for Emery Food Co., Chicago."

The information charged adulteration in that certain lots consisted in part of a decomposed animal substance, and that the remaining lots consisted in part of a decomposed and putrid animal substance.

On April 16, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$240 and costs.

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

22218. Adulteration and misbranding of canned peas. U. S. v. 100 Cartons of Canned Peas. Default decree of condemnation and destruction. (F. & D. no. 31262. Sample no. 40227-A.)

This case involved an interstate shipment of canned peas which were found to contain larvae of the pea weevil. The article was also below the standard for canned peas established by this Department, because of the presence of an excessive proportion of hard peas, and was not labeled to indicate that it was substandard.

October 21, 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 100 cartons of canned peas at Pittsburgh, Pa., alleging that the article had been shipped in interstate commerce on or about July 27, 1933, by the Snider Packing Corporation, from Canandaigua, N.Y., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Crystal Brand Sweet Mellow Peas."

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

Misbranding was alleged for the reason that the article was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture, because of the presence of an excessive number of hard peas, 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 March 14, 1934, the sole intervener having withdrawn its appearance, 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.*

22219. Adulteration of apples. U. S. v. Ernest H. Pfaff and Frank Padosheck (Western Fruit Corporation). Plea of nolo contendere. Fine, \$10. (F. & D. no. 31340. Sample no. 18038-A.)

This case was based on an interstate shipment of apples found to bear arsenic and lead in amounts which might have rendered them injurious to health.

On December 19, 1933, the United States attorney for the Eastern District of Washington, acting upon a report by the Secretary of Agriculture, filed in