

the statement "32 Oz.", whereas the weight should have been declared in pounds, the largest unit.

On or about August 8 and August 24, 1934, the United States attorney for the District of Connecticut, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 19 dozen jars of peanut butter, in part at New Haven, Conn., and in part at Bridgeport, Conn., alleging that the article had been shipped in interstate commerce, on or about June 20 and July 24, 1934, by the Williamson Candy Co., from Brooklyn, N. Y., and charging misbranding in violation of the Food and Drugs Act as amended. A portion of the article was labeled: "Merco Peanut Butter Contents 32 Oz. Packed for Merchants Provision Co., New Haven, Conn." The remainder was labeled: "Park City Brand Peanut Butter Net Wgt. 2 Pounds Reliable Coffee Co., Inc. Distributors, Bridgeport, Conn."

The article was alleged to be misbranded in that the statements, "Contents 32 Oz." and "Net Wgt. 2 Pounds", on the labels, were false and misleading and tended to deceive and mislead the purchaser. Misbranding was alleged for the further reason that the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement was incorrect, and in the lot labeled "Contents 32 Oz.", the quantity of the contents was not declared in terms of the largest unit.

On December 5, 1934, no claimant having appeared, judgments of condemnation were entered and it was ordered that the product be destroyed.

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

**24018. Misbranding of canned tomatoes. U. S. v. 134 Cases, et al., of Canned Tomatoes. Decrees of condemnation and forfeiture. Portion of product released under bond to be relabeled. Remainder destroyed.** (F. & D. nos. 33086, 33283, 33284. Sample nos. 66522-A, 66523-A, 4125-B.)

These cases were based on interstate shipments of canned tomatoes which fell below the standard established by this Department, because of excessive peel and poor color, and which were not labeled to indicate that they were sub-standard.

On July 16, July 23, and August 22, 1934, the United States attorney for the Eastern District of Louisiana, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 573½ cases of canned tomatoes in various lots at Baton Rouge, New Orleans, Morgan City, Thibodaux, and Franklin, La. On August 22, 1934, a libel was filed in the Western District of Louisiana against 18 cases of canned tomatoes at Opelousas, La. The libels alleged that the said article had been shipped in interstate commerce in part on or about June 22, 1934, and in part on or about July 10, 1934, by the Uddo-Taormina Corporation, from Crystal Springs, Miss., and that it was misbranded in violation of the Food and Drugs Act as amended. The article was labeled in part: "Orla Brand Tomatoes \* \* \* Distributed by the Uddo-Taormina Corporation."

The article was alleged to be misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture, because of excessive peel and poor color, 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 November 19, 1934, the Uddo-Taormina Corporation having appeared as claimant for the lots libeled at Baton Rouge and New Orleans, and having admitted the allegations of the libels, judgments of condemnation were entered and it was ordered that the said lots be released under bond, conditioned that they be relabeled under the supervision of this Department. On December 7, 1934, and January 7, 1935, no claim having been entered for the lots covered by the remaining cases, judgments of condemnation were entered and it was ordered that they be destroyed.

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

**24019. Adulteration of canned shrimp. U. S. v. 1,235 Cases of Canned Shrimp. Decree of condemnation and forfeiture. Product released under bond for segregation and destruction of unfit portion.** (F. & D. no. 33534. Sample no. 4021-B.)

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

On September 24, 1934, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the dis-

strict court a libel praying seizure and condemnation of 1,235 cases of canned shrimp at Boston, Mass., alleging that the article had been shipped in interstate commerce on or about September 13, 1934, by the Louisiana Packing Co., Inc., a corporation, from New Orleans, La., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Lucky Strike Brand Fancy Louisiana Shrimp \* \* \* Louisiana Packing Co. Inc. Chauvin, Louisiana."

The article was alleged to be adulterated in that it consisted wholly or in part of a decomposed animal substance.

On December 13, 1934, the Louisiana Packing Co., Inc., 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 that the product be released under bond conditioned that the unfit portion be segregated and destroyed.

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

**24020. Adulteration of canned peaches. U. S. v. 396 Cases of Canned Peaches. Default decree of condemnation and destruction. (F. & D. nos. 33675 to 33678, incl. Sample nos. 3919-B, 3920-B.)**

Examination of the canned peaches involved in this case showed the presence of wormy and worm-eaten pieces.

On October 10, 1934, 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 396 cases of canned peaches at Houston, Tex., alleging that the article had been shipped in interstate commerce, on or about July 7, 1934, by Roberts Bros., Inc., from Americus, Ga., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Indian Hunter Brand Peaches [or "Pie Peaches"] \* \* \* Below U. S. Standard Good Food Not High Grade Distributed by Roberts Bros. Inc. Main Office Baltimore, Md."

The article was alleged to be adulterated in that it consisted wholly or in part of a filthy vegetable substance.

On December 12, 1934, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

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

**24021. Misbranding of jam. U. S. v. 22 Cases of Jam. Default decree of condemnation and destruction. (F. & D. no. 33690. Sample no. 141-B.)**

Sample jars of jam taken from the shipment involved in this case were found to contain less than 2 pounds, the weight declared on the label.

On October 30, 1934, the United States attorney for the District of New Mexico, acting upon a report by the Secretary of Agriculture, filed in the district court, a libel praying seizure and condemnation of 22 cases, each containing 12 jars of jam, at Roswell, N. Mex., alleging that the article had been shipped in interstate commerce on or about November 7, 1933, by the William Edwards Co., from Cleveland, Ohio, and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "First Prize Brand Grape-Apple-Raspberry Seedless Jam Contents Two Pounds The William Edwards Co. Producers Cleveland, Ohio."

The article was alleged to be misbranded in that the statement on the jar label, "Contents Two Pounds", was false and misleading and tended to deceive and mislead the purchaser. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents were not plainly and conspicuously marked on the outside of the package since the statement made was incorrect.

On December 3, 1934, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

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

**24022. Adulteration of frozen eggs. U. S. v. Frigid Food Products, Inc. Plea of guilty. Fine, \$100 and costs. (F. & D. no. 33783. Sample no. 44201-A.)**

This case was based on an interstate shipment of frozen eggs which were in part decomposed.

On October 19, 1934, the United States attorney for the District of Nebraska, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Frigid Food Products, Inc., Detroit, Mich., alleging