

24139. Adulteration of canned shrimp. U. S. v. 498 Cases and 199 Cases of Canned Shrimp. Product released under bond for segregation and destruction of decomposed portion. (F. & D. nos. 34193, 34194. Sample nos. 10878-B, 10880-B.)

These cases involved interstate shipments of canned shrimp which was found to be in part decomposed.

On October 29, 1934, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 697 cases of canned shrimp at Portland, Oreg., alleging that the article had been shipped in interstate commerce on or about September 11, 1934, by Stone Dwyer, Inc., from New Orleans, La., and charging adulteration in violation of the Food and Drugs Act. The article was labeled, variously: "Stone Dwyer Inc."; "Peacock Brand Dry Pack Shrimp * * * Packed for St. Martin Oyster Co., Houma, La."; "Gulf Stream Brand Shrimp * * * San Patricio Canning Co. Packers, Aransas Pass, Texas."

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

On December 27, 1934, Stone Dwyer, Inc., having appeared as claimant for the property, decrees were entered ordering that the product be released to the claimant under bond, conditioned that the decomposed portions be segregated and destroyed.

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

24140. Misbranding of salad oil. U. S. v. 86 Cases of Salad Oil. Decree of condemnation. Product released under bond to be relabeled or repacked. (F. & D. no. 34293. Sample no. 20612-B.)

This case involved an interstate shipment of a product consisting of cottonseed oil which was labeled to convey to the trade for which it was intended, the impression that it consisted of olive oil.

On November 5, 1934, the United States attorney for the Western 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 86 cases of salad oil at Buffalo, N. Y., alleging that the article had been shipped in interstate commerce on September 26, 1934, by Proctor & Gamble, from Cincinnati, Ohio, and charging misbranding in violation of the Food and Drugs Act.

The article was labeled in part: "Puritani Olio Sopraffino Proctor & Gamble U. S. A."

The article was alleged to be misbranded in that the statements on the label, "Olio Sopraffino Per Insalata Per Cucinare Pure Vegetable Oil", were misleading and tended to deceive and mislead the purchaser, as applied to cottonseed oil, since the designation "Olio Sopraffino Per Insalata Per Cucinare" indicates olive oil to the consumer of Italian lineage to whom this product was offered, and since "Pure Vegetable Oil" includes olive oil and this misbranding was not corrected by the inconspicuous statement "Pure Cottonseed Oil", appearing near the bottom of one of the side panels.

On November 28, 1934, Caesar A. Tronolone, Buffalo, N. Y. having appeared as claimant for the property, judgment of condemnation was entered and it was ordered that the product be released under bond, conditioned that the cans be rebranded or the product repacked in correctly labeled new containers.

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

24141. Adulteration and misbranding of tomato puree. U. S. v. 147 Cases of Canned Tomato Puree. Default decree of condemnation and destruction. (F. & D. no. 34306. Sample no. 18320-B.)

This case involved an interstate shipment of canned tomato puree which was found to contain excessive mold.

On November 7, 1934, 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 147 cases of canned tomato puree at St. Louis, Mo., alleging that the article had been shipped in interstate commerce on or about September 7, 1934, by the De Schipper Canning Co., from Carthage, Ind., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "De Schipper's Highest Quality Fancy Tomato Puree Guaranteed to Comply with all Pure Food Laws * * * Packed by De Schipper Canning Co. Carthage, Ind."

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

Misbranding was alleged for the reason that the statements on the label, "Fancy", "Highest Quality", and "Guaranteed to Comply with all Pure Food Laws", were false and misleading and tended to deceive and mislead the purchaser.

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.*

24142. Adulteration of canned tomatoes. U. S. v. 99 Cases of Canned Tomatoes. Default decree of condemnation and destruction. (F. & D. no. 34335. Sample no. 2958-B.)

This case involved an interstate shipment of canned tomatoes which were found to be in part decomposed and undergoing progressive decomposition.

On November 9, 1934, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 99 cases of canned tomatoes at Akron, Ohio, alleging that the article had been shipped in interstate commerce on or about August 2, 1934, by the Fairmount Packing Co., from Fairmount, Md., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Fairmount Brand Tomatoes * * * Packed by Fairmount Packing Co. Fairmount, Md."

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

On December 21, 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.*

24143. Adulteration of butter. U. S. v. 68 Tubs of Butter. Default decree of condemnation and destruction. (F. & D. no. 34371. Sample no. 17614-B.)

This case involved an interstate shipment of butter, samples of which were found to contain rodent hairs and mold.

On November 1, 1934, 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 68 tubs of butter at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about October 17, 1934, by the Fairview Creamery Co., from Houston, Tex., and charging adulteration in violation of the Food and Drugs Act.

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

On December 8, 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.*

24144. Adulteration of canned mackerel. U. S. v. 200 Cases of Canned Mackerel. Default decree of condemnation and destruction. (F. & D. no. 34377. Sample no. 11420-B.)

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

On December 19, 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 200 cases of canned mackerel at Houston, Tex., alleging that the article had been shipped in interstate commerce on or about September 19, 1934, by the French Sardine Co., Inc., from Terminal Island, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Eatwell Brand California Mackerel * * * Packed by French Sardine Co., Inc. Terminal Island, California."

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

On December 28, 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.*