

24148. Adulteration of canned shrimp. U. S. v. 834 Cases of Canned Shrimp. Decree of condemnation. Product released under bond for segregation and destruction of unfit portion. (F. & D. no. 34454. Sample nos. 17940-B to 17953-B, incl.)

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

On November 30, 1934, 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 834 cases of canned shrimp at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about September 27, 1934, by the DeJean Packing Co., from Biloxi, Miss., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Chosen Few Shrimp * * * Packed by DeJean Packing Co., Biloxi, Miss."

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

On December 4, 1934, the H. A. McGinnis Co., Philadelphia, Pa., 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 decomposed portion be segregated and destroyed.

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

24149. Misbranding of olive oil. U. S. v. 4 Cases of Olive Oil. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 34474. Sample no. 17585-B.)

This case involved an interstate shipment of alleged olive oil which was found to consist of domestic cottonseed oil with little or no olive oil present.

On December 7, 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 four cases of alleged olive oil at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about August 7, 1934, by Kirsch Bros. Co., from North Bergen, N. J., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Pure Olive Oil 'El Toro' * * * Packed in Spain by Hijos de Ybarra."

The article was alleged to be misbranded in that the statements on the label, "Pure Olive Oil 'El Toro'" and "Packed in Spain by Hijos de Ybarra", were false and misleading and tended to deceive and mislead the purchaser, when applied to a product consisting essentially of domestic cottonseed oil with little or no olive oil; in that it purported to be a foreign product, whereas it was essentially domestic cottonseed oil; and in that it was sold under the distinctive name of another article, namely, olive oil.

On December 31, 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.*

24150. Adulteration of shell eggs. U. S. v. 125 Cases of Shell Eggs. Consent decree entered. Product released under bond for segregation and destruction of decomposed portion. (F. & D. no. 34502. Sample no. 19782-B.)

This case involved an interstate shipment of eggs that were found to be in part decomposed.

On November 10, 1934, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 125 cases of shell eggs at Cincinnati, Ohio, consigned July 26, 1934, alleging that the article had been shipped in interstate commerce by J. H. Brown Produce Co., from Louisville, Ky., and charging adulteration in violation of the Food and Drugs Act.

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

On December 10, 1934, the Cecilian Bank, Cecilia, Ky., having filed a claim for the property admitting the allegations of the libel, and having consented to the entry of a decree of condemnation, judgment was entered finding the product adulterated and ordering that it be released under bond, conditioned that the decomposed eggs be segregated and destroyed.

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