

The article was alleged to be adulterated in that a substance deficient in butterfat had been mixed and packed with it so as to reduce or lower or injuriously affect its quality and strength, and had been substituted wholly or in part for the said article.

On October 8, 1934, the Davis-Cleaver Produce Co., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation was entered and it was ordered that the product be released under bond, conditioned that it be reworked so that it contain 80 percent or more of butterfat.

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

**24235. Adulteration of canned shrimp. U. S. v. 119 Cases of Canned Shrimp. Default decree of condemnation and destruction. (F. & D. no. 33673. Sample no. 14620-B.)**

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

On October 10, 1934, 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 119 cases of canned shrimp at Boston, Mass., alleging that the article had been shipped in interstate commerce on or about September 12, 1934, by the Atlantic Seafood Packers, Inc., from Savannah, Ga., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Sea Island Brand Shrimp \* \* \* Packed by Atlantic Seafood Packers, Inc. Darien, Ga."

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

On January 21, 1935, 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.*

**24236. Adulteration and misbranding of apples. U. S. v. 181 Bushels and 238 Bushels of Apples. Decree of condemnation and forfeiture. Product released to be relabeled. (F. & D. no. 33691. Sample no. 17849-B.)**

This case involved an interstate shipment of apples labeled "U. S. No. 1." Examination showed that they contained excessive grade defects and were not U. S. no. 1 grade.

On October 12, 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 419 bushels of apples at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce by O. W. Borden, from Front Royal, Va., on or about October 2, 1934, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Stayman [or "Black Twig"] 1 bu. O. W. Borden, Front Royal, Va. 33539 U. S. No. 1."

The article was alleged to be adulterated in that apples below the grade indicated on the label had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statement, "U. S. No. 1", was false and misleading and tended to deceive and mislead the purchaser.

On October 17, 1934, J. Earle Roberts, having appeared as claimant for the property, judgment of condemnation was entered and it was ordered that the product be released and relabeled under the supervision of this Department and that claimant pay costs of the proceedings.

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

**24237. Misbranding of canned tomato juice. U. S. v. Empire State Pickling Co. Plea of guilty. Fine, \$45. (F. & D. no. 33780. Sample nos. 38665-A, 39257-A, 40460-A.)**

This case was based on interstate shipments of canned tomato juice which was misbranded because the labels failed to bear a proper declaration of the quantity of the contents, examination having shown that the cans contained less than declared.

On November 12, 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 an information against the Empire State Pickling Co., a corporation, Phelps, N. Y., alleging shipment by said company in violation of the Food and Drugs Act as amended, on or about April 1, July 5, and August 30, 1933, from the State of New York into the States of California, Florida,