

24376. Adulteration of canned shrimp. U. S. v. 234 Cartons of Canned Shrimp. Consent decree of condemnation. Product released under bond for segregation and destruction of decomposed portion. (F. & D. no. 34108. Sample no. 17063-B.)

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

On October 18, 1934, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 234 cartons of canned shrimp at Perth Amboy, N. J., alleging that the article had been shipped in interstate commerce on or about September 1, 1934, by the Robinson Canning Co., Inc., from New Orleans, La., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Flagstaff Wet Shrimp * * * Distributors Greenspan Bros. Co. Perth Amboy, N. J."

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

On February 18, 1935, the Robinson Canning Co., Inc., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, 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.*

24377. Adulteration and misbranding of ginger ale. U. S. v. 18 Cartons of Ginger Ale. Default decree of condemnation and destruction. (F. & D. no. 34116. Sample no. 11551-B.)

This case involved a shipment of a product sold as ginger ale. Examination showed that it contained undeclared caffeine and was not ginger ale but was a ginger-flavored caffeinated drink.

On or about October 20, 1934, the United States attorney for the Southern District of Mississippi, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 18 cartons of ginger ale at Gulfport, Miss., alleging that the article had been shipped in interstate commerce on or about July 14, 1934, by the Buffalo Rock Co., Birmingham, Ala., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Buffalo Rock Pale Ginger Ale * * * Bottled by Buffalo Rock Company, Birmingham, Ala."

The article was alleged to be adulterated in that a substance containing caffeine had been substituted for ginger ale.

Misbranding was alleged for the reason that the statement "ginger ale", was false and misleading and tended to deceive and mislead the purchaser, and for the further reason that it was offered for sale under the distinctive name of another article.

On March 1, 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.*

24378. Adulteration of apples. U. S. v. 357 Baskets, et al., of Apples. Consent decrees of condemnation. Product released under bond, conditioned that deleterious substances be removed. (F. & D. nos. 34131, 34256, 34257, 34312. Sample nos. 4280-B, 4281-B, 4283-B, 4297-B to 4300-B, incl., 23480-B, 23481-B, 23482-B.)

Examination of the apples involved in these cases showed the presence of arsenic and lead in amounts that might have rendered them injurious to health.

On September 29, October 10, and October 15, 1934, the United States attorney for the Southern District of Iowa, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 4,098 bushels of apples in various lots at Burlington, Davenport, and Ottumwa, Iowa, alleging that the article had been shipped in interstate commerce between the dates of September 14 and October 4, 1934, by Louis Cohen [one shipment in the name of the Lewis Cohen Co.], from Grafton, Ill., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it harmful to health.

On October 17, 1934, the Louis Cohen Co. having appeared as claimant for the property and having consented to the entry of decrees, judgments of con-

demnation were entered and it was ordered that the apples be released under bond, conditioned that they be washed and cleansed so as to remove the poisonous substances.

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

24379. Adulteration of canned shrimp. U. S. v. 159 Cases of Canned Shrimp. Consent decree of condemnation. Product released under bond. (F. & D. no. 34156. Sample no. 11592-B.)

This case involved canned shrimp that was in part decomposed.

On October 23, 1934, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 159 cases of canned shrimp at San Francisco, Calif., alleging that the article had been shipped in interstate commerce, on or about October 5, 1934, by the Southern Shell Fish Co., Inc., from New Orleans, La., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Sea Bird Brand Barataria Shrimp * * * packed by Southern Shell Fish Co. Inc., distributors, Harve, La."

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

On February 27, 1935, the Southern Shell Fish Co., Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered, and it was ordered that the product be released under bond, conditioned that it should not be disposed of in violation of the Food and Drugs Act.

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

24380. Adulteration of tomato puree. U. S. v. 40½ Cases of Tomato Puree. Default decree of condemnation and destruction. (F. & D. no. 34157. Sample no. 3365-B.)

This case involved canned tomato puree that contained excessive mold.

On October 25, 1934, the United States attorney for the District of Kansas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 40½ cases of tomato puree at Kansas City, Kans., alleging that the article had been shipped in interstate commerce on or about August 10, 1934, by the Dugger-Van Zant Packing Co., from Noblesville, Ind., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Van Zant's Tomato Puree * * * Packed by Dugger-Van Zant Packing Co., Noblesville, Ind."

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

On March 28, 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.*

24381. Adulteration of tomato catsup and tomato puree. U. S. v. 22 Cases of Tomato Puree, et al. Default decrees of condemnation and destruction. (F. & D. nos. 34214, 34738, 34986, 35025. Sample nos. 27958-B, 27973-B, 29115-B, 3375-B.)

These cases involved tomato catsup and tomato puree that contained excessive mold.

On October 31 1934, the United States attorney for the District of Nebraska, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 22 cases of tomato puree at Omaha, Nebr. On January 8, and January 25, 1935, libels were filed in the Eastern District of Missouri against 1,096 cases of tomato catsup at St. Louis, Mo., and on January 25, 1935, a libel was filed in the Eastern District of Michigan against 317 cases of tomato puree at Detroit, Mich. The libels charged that the articles had been shipped in interstate commerce in various lots between the dates of September 6 and October 23, 1934, by the Shirley Canning Co., from Shirley, Ind., and that they were adulterated in violation of the Food and Drugs Act. The articles were labeled respectively: "Marco * * * Tomato Puree H. A. Marr Grocery Co. Distributors * * * Omaha Nebr."; "Highland Brand Tomato Catsup * * * Packed by the G. S. Suppiger Co., Belleville, Ill."; and "Lafer Brothers Jersey Brand Tomato Puree Packed Especially for Lafer Brothers Incorporated Detroit, Michigan."

The articles were alleged to be adulterated in that they consisted wholly or in part of decomposed vegetable substances.