

24615. Adulteration of frozen shrimp. U. S. v. 4,410 Pounds of Frozen Shrimp. Default decree of condemnation and destruction. (F. & D. no. 35323. Sample no. 21670-B.)

This case involved frozen shrimp which was wholly or in part decomposed.

On March 21, 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 4,410 pounds of frozen shrimp at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about December 18, 1933, by the Joe Mendes Shrimp Co., from Brunswick, Ga., 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 decomposed animal substance.

On April 25, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

24616. Misbranding of canned peas. U. S. v. 195 Cases of Canned Peas. Consent decree of condemnation. Product released under bond to be relabeled. (F. & D. no. 35344. Sample no. 32981-B.)

This case involved a shipment of canned peas which had been prepared from soaked dry peas, and which were labeled to convey the impression that they were prepared from green succulent peas.

On April 8, 1935, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 195 cases of canned peas at Kansas City, Mo., alleging that the article had been shipped in interstate commerce in various shipments on or about September 7, 11, and 13, 1934, by the Norfolk Packing Co., from Plattsmouth, Nebr., and charging misbranding in violation of the Food and Drugs Act. The labeling bore the following statements: "Grade A [or "B"] Sterling Quality Prepared from Dry Sweet Variety [or "Early Variety"] Peas * * * Distributed by Canned Food Mart Chicago, Ill.", and a vignette of green peas in pods.

The article was alleged to be misbranded in that the following statements and design, borne on the label, were false and misleading and tended to deceive and mislead the purchaser when applied to soaked dry peas: (Grade A) "Grade A Sweet Variety Peas"; (grade B) "Grade B [also on some labels "Sweet Variety Peas"]"; (all) "'If It's Canned It's Fresh' * * * Picked and packed when the Flavor is Perfect. The fresh-from-the-garden flavor tells that the contents was canned immediately upon picking. Retaining that delicate and delicious flavor, * * * utmost in quality [vignette of green peas in pods]."

On April 25, 1935, the Norfolk Packing Co., 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 it be relabeled under the supervision of this Department.

W. R. GREGG, *Acting Secretary of Agriculture.*

24617. Adulteration of canned huckleberries. U. S. v. 35 Cases and 24 Cases of Canned Huckleberries. Default decree of condemnation and destruction. (F. & D. no. 35346. Sample nos. 20048-B, 26501-B.)

This case involved a shipment of canned huckleberries which were found to be infested with worms.

On April 6, 1935, the United States attorney for the District of Idaho, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 59 cases of canned huckleberries at Boise, Idaho, alleging that the article had been shipped in interstate commerce on or about March 5, 1935, by the Rogers Co., from Seattle, Wash., and charging adulteration in violation of the Food and Drugs Act. A portion of the article was labeled: "Famous Puyallup Brand Water Pack Huckleberries * * * Pacific Northwest Canning Co., Puyallup, Wash., Distributors." The remainder was labeled: "Lucky Find Water Pack Huckleberries * * * Chehalis Packing Co., Chehalis, Wash., Distributors."

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

On June 1, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*