

27019. Adulteration of gelatin. U. S. v. 1 Barrel of Gelatin. Default decree of condemnation and destruction. (F. & D. no. 39062. Sample no. 17580-C.)

This product contained excessive arsenic.

On or about February 17, 1937, 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 one barrel of gelatin at Hoboken, N. J., alleging that it had been shipped in interstate commerce on or about January 11, 1937, by J. Raphael & Sons, from New York, N. Y., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Rayson Brand Gelatine."

It was alleged to be adulterated in that it contained an added poisonous or deleterious ingredient, arsenic, which might have rendered it injurious to health.

On March 19, 1937, no claimant having appeared, decree of condemnation was entered and the product was ordered destroyed.

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

27020. Adulteration of butter. U. S. v. 11 Tubs of Butter. Decree of condemnation. Product released under bond to be reworked. (F. & D. no. 39104. Sample no. 19776-C.)

This product contained less than 80 percent of milk fat.

On January 14, 1937, 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 11 tubs of butter at Somerville, Mass., consigned about January 5, 1937, alleging that the article had been shipped in interstate commerce on or about January 5, 1937, by the Ortonville Ice Cream & Butter Co., from Ortonville, Minn., and charging adulteration in violation of the Food and Drugs Act.

It was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, which the article purported to be, the act of Congress approved March 4, 1923, providing that butter shall contain not less than 80 percent by weight of milk fat.

On January 18, 1937, First National Stores, Inc., Somerville, Mass., having appeared as claimant 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 at least 80 percent by weight of milk fat.

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

27021. Adulteration of canned shrimp. U. S. v. 5 Cases of Canned Shrimp. Default decree of condemnation and destruction. (F. & D. no. 39127. Sample nos. 20350-C, 20557-C.)

This product was in part decomposed.

On February 24, 1937, the United States attorney for the District of Rhode Island, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of five cases of canned shrimp at Providence, R. I., alleging that it had been shipped in interstate commerce on or about December 8 and 30, 1936, by the W. M. Brooks Packing Co., Inc., from Fernandina, Fla., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Florida Sea Brand Medium Shrimp * * * Packed By W. M. Brooks Packing Co., Inc. Fernandina, Fla."

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

On March 12, 1937, 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.*

27022. Adulteration and misbranding of potatoes. U. S. v. 360 Sacks of Potatoes. Product released under bond to be relabeled. (F. & D. no. 39137. Sample nos. 35527-C, 35528-C.)

These potatoes were below the grade declared on the label.

On February 24, 1937, 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 360 sacks of potatoes at St. Louis, Mo., alleging that they had been shipped in interstate commerce on or about February 15, 1937, by Joe (Joseph L.) Bushman from Galloway, Wis., and charging adulteration and misbranding in violation of the Food and

Drugs Act. The article was labeled in part: "North Star [or "Northland"] U. S. Grade No. 1 * * * Joseph L. Bushman, Galloway, Wis."

It was alleged to be adulterated in that potatoes below U. S. Grade No. 1 had been substituted for U. S. Grade No. 1 potatoes, which the article purported to be.

The article was alleged to be misbranded in that the statement "U. S. Grade No. 1" borne on the label was false and misleading and tended to deceive and mislead the purchaser when applied to an article below U. S. Grade No. 1.

On February 26, 1937, Joseph L. Bushman, claimant, having admitted the allegations of the libel, judgment was entered ordering that the product be released under bond for relabeling.

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

27023. Adulteration and misbranding of potatoes. U. S. v. 1 Carload Containing 360 Sacks of Potatoes. Consent decree of condemnation. Product released subject to relabeling. (F. & D. no. 39146. Sample no. 23-C.)

This case involved potatoes which were below the grade indicated on the label.

On February 26, 1937, the United States attorney for the Western District of Kentucky, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of one carload of potatoes containing 360 sacks, more or less, at Louisville, Ky., alleging that they had been shipped in interstate commerce on or about February 23, 1937, by C. H. Runciman from Lowell, Mich., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Lowell Brand U. S. Grade No. 1."

It was alleged to be adulterated in that potatoes below U. S. Grade No. 1 had been substituted in part for U. S. Grade No. 1 potatoes, which the article purported to be.

The article was alleged to be misbranded in that the statement "U. S. Grade No. 1", borne on the label, was false and misleading and tended to deceive and mislead the purchaser thereof, since it represented that said potatoes were of the standard established as U. S. Grade No. 1 potatoes; whereas they fell below said grade and standard.

On March 3, 1937, Edw. F. Leist & Co., of Louisville, Ky., having appeared as claimant, consent decree of condemnation was entered and it was ordered that the product be released subject to relabeling in conformity with the law.

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

27024. Adulteration and misbranding of marjoram leaves. U. S. v. 50 Pounds of Marjoram Leaves. Default decree of condemnation and destruction. (F. & D. no. 39172. Sample no. 20561-C.)

A sample taken from this product yielded only approximately 0.55 percent of volatile oil; whereas a normal sample should yield at least 1.2 percent of volatile oil.

On March 5, 1937, the United States attorney for the District of Rhode Island, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 50 pounds of marjoram leaves at Providence, R. I., alleging that the article had been shipped in interstate commerce on or about January 19, 1937, by Van Loan & Co., Inc., from New York, N. Y., and charging adulteration and misbranding in violation of the Food and Drugs Act. It was labeled in part: "50 Lbs. Leaf German Marjoram."

The article was alleged to be adulterated in that marjoram leaves from which a portion of the volatile oil content had been removed, had been mixed and packed with it so as to reduce or lower or injuriously affect its quality or strength, and had been substituted wholly or in part for marjoram leaves, which the article purported to be; and in that a valuable constituent of the article, volatile oil, had been abstracted in whole or in part.

It was alleged to be misbranded in that it was offered for sale under the distinctive name of another article, namely, marjoram leaves, and in that the name "marjoram" in connection with said product was false and misleading and tended to deceive and mislead the purchaser when applied to an article containing less volatile oil than it should contain.

On March 27, 1937, 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.*