

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

On July 8, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

27771. Adulteration and misbranding of canned shrimp. U. S. v. H. T. Cottam & Co., Inc. Plea of guilty. Fine, \$25. (F. & D. No. 39746. Sample Nos. 13886-C, 21607-C to 21613-C, incl.)

Samples taken from these various lots of canned shrimp were found to be decomposed. They also were found to be below the standard of fill of container promulgated by the Secretary of Agriculture because of excessive head space and were not labeled to indicate that they were substandard. The cans in one lot contained less than the declared weight.

On July 16, 1937, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court an information against H. T. Cottam & Co., Inc., New Orleans, La., alleging that on or about January 6, 11, 14, and 16, 1937, the defendant delivered for shipment from New Orleans, La., to La Guaira, and Puerto Cabello, Venezuela, quantities of canned shrimp; that on or about February 2, 1937, the defendant delivered for shipment from New Orleans, La., to Curacao, Dutch West Indies, a quantity of canned shrimp, and that the article was adulterated and misbranded in violation of the Food and Drugs Act as amended. Portions of the article were labeled: (Cans) "Barataria Brand Shrimp Packed For Export Only * * * Packed for H. T. Cottam & Co., Inc. New Orleans." The remainder was labeled: "Grand Island Brand Shrimp Wet Pack Net Wgt. 5¼ Ozs. Lockport Packing Company Lockport, La."

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

It was alleged to be misbranded in that it was canned food and fell below the standard of fill of container promulgated by the Secretary of Agriculture, and its label did not bear a plain and conspicuous statement prescribed by the Secretary indicating that it fell below such standard. The Grand Island brand was alleged to be misbranded further in that the statement "Net Wgt. 5¼ ozs." was false and misleading and was borne on the label so as to deceive and mislead the purchaser since the cans contained less than 5¼ ounces; and in that it was food in package form and the quantity of contents was not plainly and conspicuously marked on the outside of the package.

On August 13, 1937, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$25.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

27772. Adulteration and misbranding of lemon sour and misbranding of lime sour. U. S. v. 10, 2, and 2 Cases of Lemon Sour and 45 Bottles of Lime Sour. Default decrees of condemnation and destruction. (F. & D. Nos. 39875, 39886. Sample Nos. 20851-C, 20852-C.)

These products were labeled to convey the impression that they were bases from which fruit beverages could be made. Examination showed that the lemon sour was a mixture of water, acid, artificial color, and 20 percent or less of lemon juice; and that the lime sour was a mixture of water, acid, and oil of lime, with little or no lime juice.

On June 19 and 28, 1937, the United States attorney for the District of Rhode Island, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 14 cases of lemon sour, and 45 bottles of lime sour at Providence, R. I., alleging that the articles had been shipped in interstate commerce on or about September 15, 16, and 29, 1936, by the True Fruit Products Co., from Boston, Mass., and charging adulteration and misbranding of the former, and misbranding of the latter in violation of the Food and Drugs Act. The articles were labeled in part: (Bottle) "Game Cock Lemon [or "Lime"] Sour Certified Color * * * Bottled * * * By True-Fruit Products Co. Boston, Mass."

The lemon sour was alleged to be adulterated in that a mixture of water, acid, artificial color, and a small proportion of lemon juice had been substituted for juice of fresh lemons, which it purported to be; and in that it had been mixed and colored in a manner whereby inferiority was concealed.

The lemon sour was alleged to be misbranded in that the following statements on the label, "Lemon Sour" and "Contains Juice of Fresh Lemons," were

false and misleading and tended to deceive and mislead the purchaser when applied to a mixture of water, acid, artificial color, and 20 percent or less of lemon juice. The lime sour was alleged to be misbranded in that the statement "Lime Sour," on the label, was false and misleading and tended to deceive and mislead the purchaser when applied to a mixture of water, acid, and oil of lime, with little or no lime juice. Both products were alleged to be misbranded further in that they were imitations of other articles, namely, juice of fresh lemons and lime juice respectively.

On July 16 and September 15, 1937, no claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

27773. Misbranding of canned peas. U. S. v. 40 Cases of Canned Peas. Default decree of condemnation, forfeiture, and sale. (F. & D. No. 39880. Sample No. 44114-C.)

This product fell below the standard for canned peas established by this Department because the peas were not immature, and it was not labeled to indicate that it was substandard.

On June 21, 1937, the United States attorney for the Northern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 40 cases of canned peas at Atlanta, Ga., alleging that the article had been shipped in interstate commerce on or about June 18, 1936, by the G. L. Webster Co., Inc., from Cheriton, Va., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Cans) "Webster's Early June Peas * * * Packed by G. L. Webster Company, Incorporated Cheriton Virginia."

It was alleged to be misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture since the peas were not immature, and its package or label did not bear a plain and conspicuous statement prescribed by the Secretary indicating that it fell below such standard.

On August 7, 1937, no claimant having appeared, judgment of condemnation was entered; and it was ordered that the product be relabeled to show that it was below the Government standard of quality, and sold by the United States marshal.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

27774. Adulteration and misbranding of frozen egg yolks. U. S. v. 24 Cans of Frozen Egg Yolks. Decree of condemnation. Product released under bond to be relabeled. (F. & D. No. 39938. Sample No. 18724-C.)

This product was represented to be egg yolks and sugar; whereas it consisted of egg yolks, sugar, and added egg white.

On July 1, 1937, the United States attorney for the Western District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 24 cans of frozen egg yolks at Memphis, Tenn., alleging that the article had been shipped in interstate commerce on or about April 20, 1937, by the Ovson Egg Co. from St. Louis, Mo., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Cans) "Ovson Standard Selected Fresh Eggs Frozen. * * * A product of National Dairy * * * Ovson Egg Company Chicago, Illinois."

It was alleged to be adulterated in that a mixture of egg yolk, egg white, and sugar had been substituted wholly or in part for egg yolks and sugar, which it purported to be.

The article was alleged to be misbranded in that the statements, "Sugaryolk is an egg yolk product. Contains only pure fresh egg yolk to which is added about 10% cane sugar," were false and misleading and tended to deceive and mislead the purchaser when applied to a product that contained added egg white.

On September 2, 1937, the Ovson Egg Co., Chicago, Ill., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was released to the claimant under bond conditioned that it be relabeled.

HARRY L. BROWN, *Acting Secretary of Agriculture.*