

The article was alleged to be misbranded in that the statements "8 [or "32"] Oz. Net Wt. When Packed," on the label, were false and misleading and tended to deceive and mislead the purchaser when applied to an article that was short weight; and in that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package since the quantities stated were not correct.

On June 27, 1938, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

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

29136. Adulteration and misbranding of liquors. U. S. v. 88 Sacks of Liquors. Default decree of condemnation and destruction. (F. & D. No. 37574. Sample No. 40721-B.)

On October 5, 1933, March 20, and May 29, 1934, the United States attorney for the Western District of Washington filed in the district court a libel and amendments thereto, praying condemnation of 88 sacks, containing 874 quarts of whisky and gin, at Tacoma, Wash.; alleging that the articles had been seized by United States customs agents on or about October 21, 1925, and in the possession of A. C. Smith and E. P. Fisher, that they had been smuggled into the United States; and charging intended disposal of the products in fraud of the internal revenue laws. No claimant appeared and no further action was taken under the said libel.

At the request of the United States attorney, the products were examined with a view to the institution of condemnation proceedings under the Food and Drugs Act. Such examination revealed that they were adulterated or misbranded, or both, many lots being diluted with water, and some containing mold growths. In practically all lots, the quantity-of-contents statement was incorrect, not properly made, or illegible. Some lots were falsely represented to be genuine Scotch whiskies.

On or about April 24, 1936, the United States attorney, acting upon a report of such finding, filed a libel praying condemnation of said products; alleging that the articles had been shipped from some port outside of the United States into the State of Washington on or about October 21, 1925; and charging adulteration and misbranding in violation of the Food and Drugs Act.

Certain lots were alleged to be adulterated in that water had been substituted in whole or in part for the articles and, in some instances, they consisted in whole or in part of filthy animal or vegetable substances.

Certain lots of the articles were alleged to be misbranding in that their labels bore false and misleading statements representing them to be genuine products of Scotland. Most of the lots were alleged to be misbranded in that they were food in package form and the quantity of contents was not plainly and conspicuously marked on the outside of the packages since some of them failed to bear such a statement, some of them did not contain the quantity in terms of the largest unit, and in one instance the statement was illegible.

On November 16, 1936, no claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

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

29137. Adulteration and misbranding of whitefish caviar. U. S. v. 56 Cans, et al., of Whitefish Caviar (and 6 similar seizure actions). Default decrees of condemnation and destruction. (F. & D. Nos. 42290, 42443, 42444, 42445, 42507, 42909 to 42912, incl. Sample Nos. 10818-D, 16235-D to 16238-D, incl., 18682-D, 21442-D, 21443-D, 21444-D.)

Samples of this product were found to contain parasitic worms, fish scales and bones, and shell-type organisms. In addition, one lot was also short weight.

On April 30, May 27, and June 1 and 13, 1938, three United States attorneys, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of 161 cans, 639 jars, and 1 barrel of whitefish caviar in various lots at Houston, Tex., Philadelphia, Pa., Chicago, Ill., and Hollywood, Calif.; alleging that the article had been shipped in interstate commerce on various dates between December 18, 1937, and January 31 and April 7, 1938, from New York, N. Y., by Rafco Inc.; and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. Portions of the article were labeled in part: "Riviera White Fish Caviar * * * Rafco, Inc. * * * New York." The remainder was labeled: "Amtorg Trading Corporation, New York."

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

One lot was alleged to be misbranded in that the statement "Net 4 Ozs." was false and misleading and tended to deceive and mislead the purchaser when applied to an article that was short weight; and in that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the quantity stated was not correct.

On June 8 and 27 and July 11 and 12, 1938, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

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

29138. Adulteration and misbranding of butter. U. S. v. John Morrell & Co. Plea of guilty. Fine, \$150. (F. & D. No. 40797. Sample Nos. 53448-C, 53659-C.)

On April 30, 1938, the United States attorney for the Western District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the district court an information against John Morrell & Co., a corporation trading at Memphis, Tenn., alleging shipment by said defendant in violation of the Food and Drugs Act on or about August 16, 1937, from the State of Tennessee into the State of Alabama, of a quantity of butter which was adulterated and misbranded. The article was labeled in part: "Riverdale Brand * * * Creamery Butter * * * Distributed by John Morrell & Co. General Offices Ottumwa, Iowa."

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

Misbranding was alleged in that the statement "Butter" on the label was false and misleading.

On June 21, 1938, a plea of guilty having been entered in behalf of the defendant, the court imposed a fine of \$150.

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

29139. Adulteration of butter and cheese. U. S. v. Georgia Packing Co. Plea of nolo contendere. Fine, \$150. (F. & D. No. 40782. Sample Nos. 43790-C, 43791-C, 43794-C.)

This cheese was deficient in fat and contained excessive moisture, and the butter contained less than 80 percent of milk fat. Moreover, samples of the butter were found to contain hairs, insect fragments, and mold.

On April 26, 1938, the United States attorney for the Middle District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Georgia Packing Co., a corporation, Thomasville, Ga., alleging shipment by said defendant in violation of the Food and Drugs Act, on or about June 22 and July 19, 20, and 26, 1937, from the State of Georgia into the State of Florida of quantities of butter and cheese that were adulterated.

The cheese was alleged to be adulterated in that a substance deficient in fat and which contained excessive moisture had been substituted in whole or in part for cheese, which the article purported to be. The butter was alleged to be adulterated in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat, as prescribed by the act of March 4, 1923, which the article purported to be; and in that it consisted in whole or in part of a filthy animal or vegetable substance.

On May 19, 1938, a plea of nolo contendere having been entered in behalf of the defendant, the court imposed a fine of \$150.

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

29140. Misbranding of tomato catsup. U. S. v. 270 Cases of Tomato Catsup. Consent decree of condemnation. Product released under bond for relabeling. (F. & D. No. 42340. Sample Nos. 23017-D, 23027-D.)

This product was short weight.

On May 13, 1938, the United States attorney for the Eastern District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 270 cases of tomato catsup at Spokane, Wash.; alleging that the article had been shipped in interstate commerce on various dates between October 11, 1937, and April 7, 1938, by Seiter's, Inc., from Post Falls, Idaho; and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Tastewell Brand