

On March 18, 1932, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 15 cases of canned shrimp, remaining in the original and unbroken packages at Tampa, Fla., alleging that the article had been shipped in interstate commerce on or about January 30, 1932, by Devitt & Son Co., from New Orleans, La., to Tampa, Fla., and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Sancho Panza en Barataria Brand Camarones \* \* \* Devitt & Son Co., New Orleans, La."

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed animal substance.

On April 27, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HENRY A. WALLACE, *Secretary of Agriculture.*

**19764. Adulteration and misbranding of canned mushrooms. U. S. v. American Mushroom Companies (Inc.). Plea of nolo contendere. Fine, \$100. (F. & D. No. 27428. I. S. Nos. 15589, 26577.)**

This action was based on the interstate shipment of canned mushrooms, in which samples from one lot were found to contain excessive brine, and in which samples from the remaining lots were found to contain a greater proportion of stems than should be found in canned whole mushrooms.

On February 1, 1932, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against the American Mushroom Companies (Inc.), a corporation, trading at Avondale, Pa., alleging shipment by said company, in violation of the food and drugs act, on or about June 13 and October 27, 1930, from the State of Pennsylvania into the State of Illinois, and on or about November 12, 1930, from the State of Pennsylvania into the State of New York, of quantities of canned mushrooms that were adulterated and misbranded. The article was labeled in part: (Can) "Minuet Brand Hothouse Mushrooms Buttons \* \* \* sterilized in their own juice \* \* \* American Mushroom Companies, Inc., New York."

It was alleged in the information that a portion of the article was adulterated in that excessive brine had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, and had been substituted in part for mushrooms, which the said article purported to be. Adulteration was alleged with respect to the remainder for the reason that excessive stems had been mixed and packed with the article so as to reduce and lower and injuriously affect its quality and strength, and had been substituted in part for sliced mushrooms, which the article purported to be.

Misbranding of the lots that were found to contain excessive brine was alleged for the reason that the statements, "Mushrooms" and "Sterilized in their own juice," borne on the can label, were false and misleading, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser, since the said statements represented that the article consisted wholly of mushrooms that had been sterilized in their own juice, whereas they did not consist wholly of mushrooms, but did consist in part of excessive brine, and said mushrooms were not sterilized in their own juice. Misbranding was alleged with respect to the remaining lots for the reason that the article was composed in part of excessive stems and was offered for sale and was sold under the distinctive name of another article, to wit, sliced mushrooms.

On April 1, 1932, a plea of nolo contendere to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100.

HENRY A. WALLACE, *Secretary of Agriculture.*

**19765. Adulteration and misbranding of butter. U. S. v. 7 Cases of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reworked. (F. & D. No. 28267. I. S. Nos. 53331, 53336. S. No. 6119.)**

This action involved the interstate shipment of a quantity of butter, samples of which were found to contain less than 80 per cent by weight of milk fat, the standard prescribed by Congress.

On or about March 25, 1932, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of seven cases of print butter at Chicago, Ill., alleging that the article had been shipped in interstate commerce, on March 11, 1932, by Swift & Co., from Columbus, Nebr., to Chicago, Ill., and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Carton) "Glenwood Creamery Butter \* \* \* Distributed by Swift & Company, \* \* \* Chicago, Ill."

It was alleged in the libel that the article was adulterated in that a product deficient in butterfat had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, and had been substituted in part for the said article. Adulteration was alleged for the further reason that the article was deficient in butterfat, since it contained less than 80 per cent of butterfat.

Misbranding was alleged for the reason that the article had been sold, shipped, and labeled as butter, which was false and misleading, since it contained less than 80 per cent of milk fat.

On April 5, 1932, Swift & Co., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant to be reworked under the supervision of this department, upon payment of costs and the execution of a bond in the sum of \$100, conditioned in part that it should not be sold or otherwise disposed of contrary to the provisions of the Federal food and drugs act and all other laws.

HENRY A. WALLACE, *Secretary of Agriculture.*

**19766. Adulteration and misbranding of canned mushrooms. U. S. v. Brandywine Mushroom Corporation. Plea of guilty. Fine, \$50. (F. & D. No. 26673. I. S. Nos. 16079, 20462.)**

This action was based on the interstate shipment of two lots of canned mushrooms, samples of which were found to contain an excessive proportion of stems. The liquid in the article was described on the label as pure mushroom juice, whereas it consisted of water in which mushrooms had been cooked, with a little added salt.

On October 9, 1931, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against the Brandywine Mushroom Corporation, trading at West Chester, Pa., alleging shipment by said company, in violation of the food and drugs act, on or about March 23, 1931, from the State of Pennsylvania into the State of Virginia, and on or about April 1, 1931, from the State of Pennsylvania into the State of New York, of quantities of canned mushrooms that were adulterated and misbranded. The article was labeled in part: (Can) "Cultivated Brandywine Sliced Mushrooms Brandywine Mushroom Corp. West Chester Pa. \* \* \* This sauce is pure mushroom juice."

It was alleged in the information that the article was adulterated in that a mushroom product, consisting in the major portion, of mushroom stems, had been substituted in large part for sliced mushrooms, which the article purported to be.

Misbranding was alleged for the reason that the statements, "Sliced Mushrooms" and "This sauce is pure mushroom juice," borne on the can label, were false and misleading, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser, since the said statements represented that the article was sliced mushrooms consisting in the major portion of mushroom caps, sliced, and that the sauce contained therewith was pure mushroom juice, whereas the article consisted in the major portion of mushroom stems, and the sauce consisted of a liquid mixture composed of blanch water and brine, which contained some extracted soluble solids.

On April 1, 1932, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

HENRY A. WALLACE, *Secretary of Agriculture.*