

and lower and injuriously affect its quality, had been substituted in part for evaporated apples, which the article purported to be.

Misbranding of the said Orleans brand was alleged for the reason that the statement "Evaporated apples" was false and misleading and deceived and misled the purchaser, when applied to evaporated apples containing excessive moisture, and for the further reason that the article was offered for sale under the distinctive name of another product. Misbranding of the Thanksgiving brand apples was alleged for the reason that the statements on the cartons, "6 oz. net weight * * * when packed," and on the shipping packages, "50-6 oz. Cartons," were false and misleading and deceived and misled the purchaser. Misbranding of the said Thanksgiving brand apples was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages, since the packages contained less than represented.

On June 11, 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.*

19943. Adulteration of canned sweetpotatoes. U. S. v. 230 Cases of Canned Sweetpotatoes. Default decree of destruction. (F. & D. No. 28021. I. S. No. 52973. S. No. 6079.)

This action was based on the interstate shipment of a quantity of canned sweetpotatoes, samples of which were found to be partly decomposed.

On April 15, 1932, the United States attorney for the District of Minnesota, 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 230 cases of canned sweetpotatoes, remaining in the original unbroken packages at St. Paul, Minn., alleging that the article had been shipped in interstate commerce on or about November 21, 1931, by the John W. Taylor Packing Co., from Hallwood, Va., to St. Paul, Minn., and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Cans) "Serv-Well Brand Sweet Potatoes."

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed vegetable substance, and was unfit for food.

On June 11, 1932, no claimant having appeared for the property, judgment was entered ordering that the product be destroyed by the United States marshal.

HENRY A. WALLACE, *Secretary of Agriculture.*

19944. Adulteration and misbranding of tomato catsup. U. S. v. 44 Cases of Tomato Catsup. Default decree of destruction. (F. & D. No. 28004. I. S. No. 50808. S. No. 6065.)

This action was based on the interstate shipment of a quantity of tomato catsup, samples of which were found to contain excessive mold. Certain cans examined also were found to be short of the declared weight.

On April 14, 1932, the United States attorney for the Western District of Missouri, 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 44 cases of tomato catsup at Albany, Mo., alleging that the article had been shipped in interstate commerce on or about November 25, 1931, by the Currie Canning Co., from Grand Junction, Colo., to Kansas City, Mo., and reshipped on or about November 30, 1931, to Albany, Mo., and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Cans) "Mesa Brand Tomato Catsup Weight of Contents 11 Ozs. * * * Packed by the Currie Canning Co. Grand Junction, Colo."

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

Misbranding of the article was alleged in that the statement on some of the cans, "Weight of Contents 11 Ozs.," was false and misleading and deceived and misled the purchaser, and for the further reason that the product was 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 on some of the cans was incorrect.

On June 10, 1932, no claimant having appeared for the property, a decree was entered by the court ordering that the product be destroyed by the United States marshal.

HENRY A. WALLACE, *Secretary of Agriculture.*

19945. Adulteration and misbranding of raspberry, strawberry, pineapple, blackberry, and cherry preserves and grape jam. U. S. v. H. E. Whitaker Co. Plea of guilty. Fine, \$50. (F. & D. No. 28043. I. S. Nos. 28761, 28762, 30942, 30944, 30947, 30948, 30949.)

This action was based on the interstate shipment of quantities of preserves and jam which contained undeclared added pectin. The strawberry and cherry preserves also were found to be deficient in fruit content.

On June 15, 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 H. E. Whitaker Co., a corporation, Philadelphia, Pa., alleging shipment by said company, in violation of the food and drugs act, on or about March 20, 1931, from the State of Pennsylvania into the State of Maryland, of quantities of raspberry and strawberry preserves, and on or about April 13, 1931, from the State of Pennsylvania into the State of New Jersey, of quantities of grape jam and strawberry, pineapple, blackberry, and cherry preserves, which said products were adulterated and misbranded. The articles were labeled in part: (Jars) "Parfait Brand Pure Raspberry [or "Strawberry," "Pineapple," "Blackberry," or "Cherry"] Preserves [or "Grape Jam"] Made by H. E. Whitaker Co. Phila."

It was alleged in the information that the strawberry and cherry preserves were adulterated in that products deficient in fruit content and containing added undeclared pectin had been substituted for pure strawberry and cherry preserves which the articles purported to be. Adulteration of the remaining products was alleged for the reason that an undeclared substance, pectin, had been substituted in part for raspberry, pineapple, and blackberry preserves and grape jam, which the articles purported to be.

Misbranding was alleged for the reason that the statements, "Pure Raspberry Preserves," "Pure Strawberry Preserves," "Pure Grape Jam," "Pure Pineapple Preserves," "Pure Blackberry Preserves," and "Pure Cherry Preserves," borne on the jar labels, were false and misleading; and for the further reason that the articles were labeled as aforesaid so as to deceive and mislead the purchaser, since the said statements represented that the articles consisted solely of pure fruit preserves and jam, whereas they were composed in part of an added undeclared substance, pectin, and the strawberry and cherry preserves were deficient in fruit. Misbranding was alleged for the further reason that the articles were offered for sale under the distinctive names of other articles.

On June 20, 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.*

19946. Adulteration and misbranding of canned shrimp. U. S. v. 192 Cases of Canned Shrimp. Decree of condemnation, forfeiture, and destruction. (F. & D. No. 28009. I. S. Nos. 43073, 43170. S. No. 6067.)

This action involved the interstate shipment of a quantity of canned shrimp, samples of which were found to be decomposed. The article was also found to be short of the declared weight.

On April 13, 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 a libel praying seizure and condemnation of 192 cases of canned shrimp, remaining in the original unbroken packages at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about October 7, 1931, by the Sea Food Co., from Biloxi, Miss., to Philadelphia, Pa., and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Cans) "De-Lish-Us Brand Fancy Shrimp * * * Wet Pack Contents 5¾ Ozs. * * * Packed by Sea Food Co., Biloxi, Miss."

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

Misbranding of the article was alleged for the reason that the statements, "Fancy Shrimp" and "Contents 5¾ Ozs.," were false and misleading and