**19968. Misbranding of canned mushrooms. U. S. v. Keystone Mushroom Co. Plea of guilty. Fine, $50.** (F. & D. No. 26670. I. S. Nos. 8259, 8898, 15592, 15594, 17282, 28282.)

This case was based on the shipment of several lots of canned mushrooms which were represented on the labels as being composed of the whole mushroom, and which were found to contain an excessive amount of mushroom stems. The declaration of the quantity of contents of the cans did not appear plainly and conspicuously on the labels, as required by law.

On June 10, 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 Keystone Mushroom Co., a corporation, Coatesville, Pa., alleging shipment by said company, in violation of the food and drugs act as amended, of quantities of canned mushrooms that were misbranded. The information charged two shipments by the defendant from Pennsylvania into Ohio on or about December 3 and December 4, 1930, respectively; one shipment from Pennsylvania into Illinois, on or about October 28, 1930, and three shipments from Pennsylvania into New York on or about November 8, 1930, December 1, 1930, and February 28, 1931. Five of the six shipments were labeled in part: (Can) "Hotels Keystone Mushrooms. The Famous [design of whole mushroom] Snow White * * * Keystone Mushroom Co. Inc. Coatesville, Pa." The remaining shipment was labeled in part: (Can) "Hotels Desire American Hothouse [design of whole mushrooms] Mushrooms Pennsylvania Mushroom Co. Philadelphia, Pa." The can label of both brands bore, aside from the main labeling, the statement in small inconspicuous type: "This can contains 8 oz. Net of Cooked Mushrooms."

Misbranding of the article was alleged in the information for the reason that the statement "Mushrooms," together with the design showing whole mushrooms, borne on the can labels, 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 statement and design represented that the article was whole mushrooms, containing a normal proportion of all edible parts of whole mushrooms; whereas it was not as represented, but was, in five of the six lots, a product containing a very excessive proportion of mushroom stems and was in the remaining lot, a product containing a very excessive proportion of mushroom stems and an excessive proportion of pieces of mushroom caps. Misbranding was alleged with respect to five of the six shipments 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 package, since the statement of the quantity of the contents was made on the label in so small and inconspicuous type as to be unnoticed except upon close examination.

On June 21, 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.*

**19969. Adulteration of dressed poultry. U. S. v. 1 Barrel Containing 55 Cull Chickens. Default decree of condemnation, forfeiture, and destruction.** (No. 90-A. F. & D. No. 28273.)

This action involved the shipment of a barrel of poultry that was found to be in part diseased and decomposed.

On May 4, 1932, the United States attorney for the Northern District of California, 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 one barrel containing 55 cull chickens, remaining in the original unbroken container at San Francisco, Calif., alleging that the article had been shipped in interstate commerce on or about April 20, 1932, by the Idaho Egg Producers, from Caldwell, Idaho, to San Francisco, Calif., and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy, decomposed, or putrid animal substance, and in that it was a product of diseased animals.

On June 13, 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.*