20442. Adulteration of cauliflower. U. S. v. 13 Crates, et al., of Cauliflower. Consent decrees of condemnation, forfeiture, and destruction. (F. & D. nos. 29320, 29329. Sample nos. 18866-A, 18867-A.)

These actions involved the interstate shipments of quantities of cauliflower, samples of which were found to bear arsenic in an amount which might have rendered the article injurious to health.

On October 24, 1932 and November 1, 1932, the United States attorney for the Northern District of Texas, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 21 crates and 6 heads of cauliflower at Dallas, Tex., alleging that the article had been shipped in interstate commerce, in part on or about October 7, 1932, and in part on or about October 8, 1932, by Western Vegetable Distributors, from Denver, Colo., to Dallas, Tex., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libels that the article was adulterated in that it contained an added poisonous ingredient, to wit, arsenic, which might have rendered the article injurious to health.

On November 7, 1932, by consent of the consignees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20443. Adulteration of butter. U. S. v. 9 Cubes of Butter. Product released under bond for reworking. (F. & D. no. 29220. Sample no. 24286-A.)

This action was based on the interstate shipment of a quantity of butter, samples of which were found to contain less than 80 percent of milk fat, the standard prescribed by Congress.

On October 18, 1932, the United States attorney for the Southern 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 9 cubes of butter, remaining in the original unbroken packages at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about October 15, 1932, by the Escalante Ice Cream Co., from Cedar City, Utah, to Los Angeles, 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 a product containing less than 80 percent of milk fat had been substituted wholly or in part for butter.

On October 19, 1932, Joseph Thorup, Los Angeles, Calif., claimant, having admitted the allegations of the libel and having filed a release bond in the sum of $100, a decree was entered ordering that the product be delivered to the claimant to be brought into conformity with the law under the supervision of this Department. On October 21, 1932, the product having been reworked, a final decree was entered ordering that the release be made permanent, that the bond be exonerated, and that claimant pay costs of the proceedings.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20444. Adulteration of dressed herring. U. S. v. 30 Boxes, et al., of Fresh Dressed Herring. Decrees of condemnation and destruction. (F. & D. nos. 29233 to 29237, incl. Samples nos. 27266-A to 27270-A, incl.)

These actions involved the interstate shipment of quantities of dressed herring which were infested with worms.

On October 20, 1932, the United States attorney for the Western District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 99 boxes of dressed herring, remaining in the original unbroken packages, in the possession of various consignees at Pittsburgh, Pa., alleging that the article had been shipped in interstate commerce, on or about October 14, 1932, by the Hogstad Fish Co., from Duluth, Minn., to Pittsburgh, Pa., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Fresh Fish Produced by North Superior Co-operative Fisheries, Inc., L. P. Hogstad, Sales Agent, Duluth, Minn."

It was alleged in the libels that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance, and in that it consisted of portions of animals unfit for food.

On November 15, 1932, no appearance or claim having been entered and the various firms in whose possession the fish had been seized having consented to its destruction, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20445. Misbranding of canned grapefruit juice and canned orange juice. U. S. v. Tugwell & Wiseman of Florida, Inc. Plea of guilty. Fine, $50. (F. & D. no. 27540. I. S. nos. 33895, 33896.)

This action was based on the interstate shipment of quantities of canned grapefruit juice and canned orange juice, sample cans of which were found to contain less than the declared volume.

On May 17, 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 an information against Tugwell & Wiseman of Florida, Inc., a corporation, Tarpon Springs, Fla., alleging shipment by said company in violation of the Food and Drugs Act as amended, on or about May 11, 1931, from the State of Florida into the State of New York, of quantities of canned grapefruit juice and canned orange juice that were misbranded. The articles were labeled in part: (Cans) "Sunbeam Pure Food Natural Grape Fruit Juice [or "Orange Juice"] Slightly Sweetened * * * Austin, Nichols & Co., Inc., Distributers, New York, N.Y. * * * Contents 1 Quart, 1 Pint, 8 Ounces."

It was alleged in the information that the articles were misbranded in that the statement, "Contents 1 Quart, 1 Pint, 8 Ounces", borne on the labels attached to the cans, was 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 cans contained less than declared. Misbranding was alleged for the further reason that the articles were food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages, since the statement made was incorrect.

On December 6, 1932, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of $50.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20446. Adulteration and misbranding of canned razor clams. U. S. v. Paul Shelley Guilford (Guilford Packing Co.). Plea of guilty. Fine, $25 and costs. (F. & D. no. 27544. I. S. no. 22818.)

This case was based on the interstate shipment of quantities of canned razor clams which contained excessive brine, and in which the drained weight was less than the weight declared on the can label.

On October 31, 1932, the United States attorney for the Western District of Washington, 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 Paul Shelley Guilford, trading as the Guilford Packing Co., Westport, Wash., alleging shipment by said defendant, in violation of the Food and Drugs Act as amended, on or about May 21 and May 25, 1931, from the State of Washington into the State of California, of a quantity of canned razor clams that were adulterated and misbranded. The article was labeled in part: (Can) "Trupak Super Quality Fancy Whole Cleaned Razor Clams Net Contents 10 Ozs. Drained Meat 4½ Ozs. * * * Haas Brothers Distributors San Francisco & Fresno, Cal."

It was alleged in the information that the article was adulterated in that excessive brine had been mixed and packed with the said article so as to reduce, lower, and injuriously affect its quality and strength. Adulteration was alleged for the further reason that excessive brine had been substituted in part for clams and for drained meat, 4½ ounces, which the article purported to be.

Misbranding was alleged for the reason that the statements, "Clams" and "Drained Meat 4½ ozs.", borne on the 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 article did not consist wholly of clams but did consist in part of excessive brine, and each of the cans did not contain 4½ ounces of drained meat, but did contain a less amount.

On November 21, 1932, the defendant entered a plea of guilty to the information, and the court imposed a fine of $25 and costs.

R. G. TUGWELL, *Acting Secretary of Agriculture.*