

On January 6, 1933, the Superior Packing Co., Seattle, Wash., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation was entered and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned that it be inspected and the portion found unfit for human consumption be destroyed.

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

**20634. Adulteration of figs. U. S. v. 10 Cases and 20 Cases of Figs. Default decree of condemnation, forfeiture, and destruction.** (F. & D. no. 29578. Sample nos. 25980-A, 25981-A.)

This case involved quantities of figs that were in part insect-infested and moldy.

On December 3, 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 a libel praying seizure and condemnation of 30 cases of figs, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by H. J. Giebelers, in part on or about October 15, 1932, from San Francisco, Calif., and in part on or about October 15, 1932, from San Francisco, Calif., and in part on or about November 16, 1932, from Merced, Calif., and had been transported from the State of California into the State of Washington, and charging adulteration in violation of the Food and Drugs Act. A portion of the article was labeled; "Giebeler's White California Figs." The remainder was labeled; "White California Figs \* \* \* Packed By Giebeler's Fig Gardens Merced, Calif."

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

On January 10, 1933, 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.

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

**20635. Adulteration of canned tomato catsup. U. S. v. 166 Cases, et al., of Tomato Catsup. Default decree of condemnation and destruction.** (F. & D. no. 28991. Sample nos. 10478-A, 10479-A.)

This action involved the shipment of a quantity of canned tomato catsup which contained excessive mold.

On October 3, 1932, the United States attorney for the District of Connecticut, 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 227 cases of canned tomato catsup, remaining in the original unbroken packages at Meriden, Conn., alleging that the article had been shipped in interstate commerce on or about May 18, 1932, by Francis H. Leggett & Co., Inc., from Landisville, N. J., to Meriden, Conn., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Unicorn Brand Tomato Catsup \* \* \* Francis H. Leggett & Co. Distributors, New York."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, and putrid vegetable substance.

On January 30, 1933, no claimant having appeared for the property, judgment of condemnation was 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.*

**20636. Adulteration and misbranding of canned shrimp. U. S. v. 45 Cases and 73 Cases of Canned Shrimp. Decrees of condemnation, forfeiture, and destruction.** (F. & D. nos. 29178, 29179. Sample nos. 20389-A, 20390-A.)

These cases involved an interstate shipment of two lots of canned shrimp that were in part decomposed. One of the lots was short weight and also fell below the standard of fill of container established by this Department, and was not labeled with a statement to show that it was slack filled.

On November 2, 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 libels praying seizure and condemnation of two lots consisting of 45 cases and 73 cases, re-

spectively, of canned shrimp, remaining in the original unbroken packages at Philadelphia, Pa. It was alleged in the libels that the article had been shipped in interstate commerce on or about August 19, 1932, by the Nassau Packing Co., Inc., from Jacksonville, Fla., to Philadelphia, Pa.; that it was adulterated in violation of the Food and Drugs Act; and that a portion was also misbranded in violation of said act as amended. The two lots of the article were labeled, respectively: (Cans) "Ponce de Leon Brand Nassau Shrimp Packed by Nassau Sound Packing Co., Jacksonville, Fla. Net Weight Wet Pack 5 $\frac{3}{4}$  Ozs."; "St. Johns Brand Fresh Shrimp Wet Pack \* \* \* The Nassau Sound Packing Co., Inc., Nassauville, Fla."

Adulteration of both lots of the article was alleged for the reason that it consisted in part of a decomposed animal substance.

Misbranding was alleged with respect to the 45-case lot for the reason that the statement on the label, "Net Weight \* \* \* 5 $\frac{3}{4}$  ozs.", was false and misleading and deceived and misled the purchaser; 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 statement was incorrect; and for the further reason that the article was canned food and fell below the standard of fill of container promulgated by the Secretary of Agriculture for such canned food, since it was slack filled and did not bear a plain and conspicuous statement indicating that it was slack-filled.

On January 19, 1933, the allegations of the libels being uncontested by the sole intervenor, the Nassau Packing Co., Inc., 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.*

**20637. Adulteration of crab meat. U. S. v. 97 Cans of Crab Meat. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30855. Sample no. 50053-A.)**

This case involved an interstate shipment of crab meat that was found to contain filth.

On July 22, 1933, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court a libel praying seizure and condemnation of 97 cans of crab meat at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about July 20, 1933, by Rollins-Carmines Co., from Hampton, Va., 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 of a filthy animal substance.

On August 23, 1933, 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.

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

**20638. Misbranding of butter. U. S. v. Swift & Co. Plea of guilty. Fine, \$1,200. (F. & D. no. 29345. I. S. nos. 32770, 32771.)**

This action was based on shipments of butter, in which certain cases and cartons were found to contain less than the declared weight.

On December 31, 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 an information against Swift & Co., a corporation, trading at San Francisco, Calif., alleging shipment by said company in violation of the Food and Drugs Act as amended, on or about March 9, 1932, from the State of California to Honolulu, Hawaii, of quantities of butter that was misbranded. The article was labeled in part: (Case) "60# Net Wt."; (carton) "Swift's Premium Quality Brookfield Pasteurized Creamery Butter 1 Lb. Net Weight Distributed by Swift & Company."

It was alleged in the information that the article was misbranded in that the statement "60# Net Wt.", borne on the cases, and the statement, "1 Lb. Net Weight", borne on the cartons, 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 cases each contained 60 pounds of butter, and that the cartons each contained 1 pound net weight thereof; whereas each of a number of the cases contained less than 60 pounds of butter, and each of a number of the cartons contained less than 1