

from Marshallberg, N. C., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Crockett Brand Tomatoes * * * Packed by The Crockett Canning Co. Main Office Baltimore, Md."

It was alleged to be misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture, since the fruit did not consist of whole or large pieces and its package or label did not bear a plain and conspicuous statement prescribed by the regulations of this Department indicating that it fell below such standard.

On March 31, 1938, the answer of the claimant having been withdrawn, judgment of condemnation was entered and the product was ordered destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

28642. Misbranding of peanut butter. U. S. v. 240 Cases and 219 Cases of Peanut Butter. Decree of condemnation. Product released under bond for repacking. (F. & D. Nos. 40110, 40111, 40112. Sample No. 52244-C.)

Samples of this product were found to be short weight.

On August 12, 1937, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 459 cases of peanut butter at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about July 7, 1937, by the Old Reliable Peanut Co. from Suffolk, Va., and charging misbranding in violation of the Food and Drugs act as amended. The article was labeled in part: "Golden Tint Brand Peanut Butter, Old Reliable Peanut Co., Suffolk, Va., 12 ozs. [or "1 lb."] Net Weight."

It was alleged to be misbranded in that the statements "12 ozs. Net Weight" and "1 Lb. Net Weight" were false and misleading and tended to deceive and mislead purchasers when applied to a product that was short weight; and in that it 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 quantity stated thereon was not correct.

On August 26, 1937, the Old Reliable Peanut Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for repacking under the supervision of this Department.

W. R. GREGG, *Acting Secretary of Agriculture.*

28643. Adulteration and misbranding of canned shrimp. U. S. v. The Goodman & Beer Co., Inc. Plea of guilty. Fine, \$25. (F. & D. No. 39732. Sample No. 13884-C.)

This article was partly decomposed and was slack-filled.

On May 27, 1937, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Goodman & Beer Co., Inc., New Orleans, La., alleging that on or about January 18, 1937, the defendant had delivered for shipment from New Orleans, La., to the Republic of Cuba, a quantity of canned shrimp which was adulterated and misbranded in violation of the Food and Drugs Act. The article was labeled in part: "Barataria Brand Packed for export only Shrimp * * * Packed For Goodman & Beer Co., Inc."

It was alleged to be adulterated in that it consisted in whole or in part of a decomposed animal substance.

The article was alleged to be misbranded in that it was canned food and fell below the standard of fill of container promulgated by the Secretary of Agriculture since it was slack-filled because of excessive headspace, and the label did not bear a plain and conspicuous statement prescribed by the Secretary of Agriculture to the effect that it fell below such standard.

On February 7, 1938, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$25.

W. R. GREGG, *Acting Secretary of Agriculture.*

28644. Adulteration of cabbage. U. S. v. Ernest H. Wilson. Plea of guilty. Fine, \$100. (F. & D. No. 39751. Sample No. 46326.)

This product contained lead and arsenic.

On August 16, 1937, the United States attorney for the District of Florida, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Ernest H. Wilson, Hastings, Fla., alleging that

on or about March 16, 1937, the defendant had shipped from the State of Florida into the District of Columbia a quantity of fresh cabbage which was adulterated in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained added poisonous or deleterious ingredients, namely, lead and arsenic, which might have rendered it injurious to health.

On February 14, 1938, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$100.

W. R. GREGG, *Acting Secretary of Agriculture.*

28645. Adulteration of apples. U. S. v. 53 Baskets of Apples. Default decree of condemnation and destruction. (F. & D. No. 40335. Sample No. 58825-C.)

This product was contaminated with lead.

On September 9, 1937, 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 53 baskets of apples at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about September 8, 1937, from Moorestown, N. J., by J. H. Dennler, and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained an added poisonous or deleterious ingredient, lead, which might have rendered it harmful to health.

On September 30, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

28646. Adulteration of cream. U. S. v. 3 Cans of Cream. Consent decree of destruction. (F. & D. No. 40141. Sample No. 42940-C.)

This product was found to be in various stages of decomposition.

On August 6, 1937, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of two 5-gallon cans and one 8-gallon can of cream at Millvale, Pa., alleging that the article had been shipped in one-can lots in interstate commerce on or about August 5, 1937, from Elm Grove, W. Va., by Elmer Sheets; from Heaters, W. Va., by M. E. Boyce; and from Byron, W. Va., by Mary Pauls, and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, putrid, or decomposed animal substance.

On August 6, 1937, the consignee having consented to the entry of a decree, the product was ordered destroyed immediately.

W. R. GREGG, *Acting Secretary of Agriculture.*

28647. Adulteration of cream. U. S. v. 11 Cans of Cream. Consent decree of destruction. (F. & D. No. 40142. Sample No. 42941-C.)

This product was found to be in various stages of decomposition.

On August 6, 1937, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 2 5-gallon cans and 9 10-gallon cans of cream at Pittsburgh, Pa., alleging that the article had been shipped in interstate commerce in various lots on or about August 5, 1937, from Strasburg, Va., by Walter Johnson; from Winchester, Va., by E. J. Snapp; from Petersburg, W. Va., by D. C. Hinkle; from Culpeper, Va., by W. E. Klipstein; from Fairmont, W. Va., by B. F. Tucker; and from Weston, W. Va., by Grant Lowther, and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, putrid, or decomposed animal substance.

On August 6, 1937, the consignee having consented to the entry of a decree, the product was ordered destroyed immediately.

W. R. GREGG, *Acting Secretary of Agriculture.*

28648. Misbranding of potatoes. U. S. v. 400 Sacks of Potatoes. Consent decree of condemnation. Product released under bond for relabeling. (F. & D. 41755. Sample No. 11851-D.)

This product was below the grade declared on the label because of excess grade defects.