

27016. Misbranding of shelled nut meats. U. S. v. 163 Packages of Shelled Pecans; 63 Packages of Mixed Nut Meats, and 83 Packages of Shelled Walnut Meats. Default decree of condemnation and destruction. (F. & D. no. 38980. Sample nos. 12158-C, 12159-C, 12160-C.)

This case involved nut meats the packages of which had false bottoms, and consequently did not contain the amount of food indicated by the size of the packages. The statement of the quantity of the contents appeared on sticker labels attached to the bottom of the packages.

On January 25, 1937, the United States attorney for the District of Rhode Island, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 309 packages of nut meats at Providence, R. I., alleging that it had been shipped in interstate commerce on or about November 20, 1936, by the Bordo Products Co., from Jersey City, N. J., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Nut Meats Net Wt. 4 Ozs. [or "5 Ozs."] Bordo Products Company Chicago."

It was alleged to be misbranded in that the packages were slack-filled and bore a device, namely, a cardboard false bottom, which was misleading since the packages did not contain the quantity of food they purported to contain; 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 container, since the sticker label on which the net weight statement appeared was on the bottom of the package.

On February 16, 1937, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

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

27017. Misbranding of potatoes. U. S. v. 1 Car of Potatoes. Judgment for the Government. Product ordered released under bond subject to relabeling. (F. & D. no. 39021. Sample no. 24-C.)

This product was falsely labeled "U. S. No. 1 Grade Potatoes."

On or about February 4, 1937, the United States attorney for the Southern District of West Virginia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of one carload of potatoes at Charleston, W. Va., alleging that they had been shipped in interstate commerce by Thos. F. Smith & Sons, Inc., from Chicago, Ill. to Columbus, Ohio, and had been reconditioned on or about January 28, 1937, to Charleston, W. Va., and charging misbranding in violation of the Food and Drugs Act. They were labeled in part: "Smiths Tayst-A-Won Michigan Potatoes Packed by Thomas F. Smith and Sons Inc Chicago Ill. U. S. No. One."

The libel alleged that the article was misbranded in that potatoes below U. S. Grade No. 1 had been substituted for grade No. 1 potatoes, which the article purported to be.

On February 8, 1937, Thos. F. Smith & Sons, Inc. having appeared as claimant and having admitted the allegations of the libel, judgment was entered for the Government and the product was ordered released under bond subject to relabeling in compliance with the law.

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

27018. Adulteration of canned shrimp. U. S. v. 170 Cases of Canned Shrimp. Default decree of condemnation and destruction. (F. & D. no. 39035. Sample no. 26624-C.)

This case involved a shipment of canned shrimp that was in part decomposed.

On February 4, 1937, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 170 cases of canned shrimp at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about January 14, 1937, by the Lowden Corporation, from Savannah, Ga., and charging adulteration in violation of the Food and Drugs Act. It was labeled in part: "Forest City Brand Wet Pack Shrimp * * * The Lowden Corp., Distributors Savannah, Ga. U. S. A."

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

On February 23, 1937, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

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