

On April 30, 1937, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

H. A. WALLACE, *Secretary of Agriculture.*

**27308. Adulteration and misbranding of canned shrimp. U. S. v. 10 Cases of Canned Shrimp. Default decree of condemnation and destruction. (F. & D. no. 39033. Sample no. 13886-C.)**

This product was in part decomposed and was slack-filled and short in weight.

On February 3, 1936, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 10 cases of canned shrimp at New Orleans, La., alleging that it had been delivered to a common carrier for export to a foreign country on or about January 27 and January 28, 1937, by H. T. Cottam & Co., New Orleans, La., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Grand Island Brand Shrimp Wet Pack Net Wgt. 5¾ ozs. Lockport Packing Company, Lockport, La."

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

It was alleged to be misbranded in that the statement "Net Wgt. 5¾ ozs." was false and misleading and tended to deceive and mislead the purchaser when applied to an article that was short in weight; in that it was food in package form and the quantity of contents was not plainly and conspicuously marked on the outside of the package since the quantity stated was not correct; and 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 in that a can of this size should hold 5¾ ounces of wet-pack shrimp instead of a less amount, and its package or label did not bear a plain and conspicuous statement prescribed by the Secretary of Agriculture indicating that it fell below such standard.

On May 14, 1937, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

H. A. WALLACE, *Secretary of Agriculture.*

**27309. Misbranding of canned peas. U. S. v. 24 Cases of Canned Peas. Default decree of condemnation and destruction. (F. & D. no. 39081. Sample no. 37202-C.)**

This case involved canned peas that fell below the required standard of quality and condition and were not labeled to indicate that fact.

On February 11, 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 24 cases of peas at Reading, Pa., alleging that they had been shipped in interstate commerce on or about January 27, 1937, by Seeman Bros., Inc., from New York, N. Y., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Taylor Brand \* \* \* Early June Peas Packed for The Frederick City Packing Company Frederick, Md."

It was alleged to be misbranded in that it consisted of canned food and fell below the standard of quality and condition for such canned food since the peas were not immature, and its package or label did not bear a plain and conspicuous statement prescribed by the Secretary of Agriculture indicating that it fell below such standard.

On March 22, 1937, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

H. A. WALLACE, *Secretary of Agriculture.*

**27310. Adulteration of canned prunes. U. S. v. 78 Cases of Canned Prunes. Default decree of condemnation and destruction. (F. & D. no. 39083. Sample no. 23966-C.)**

This product was in whole or in part decomposed.

On February 23, 1937, the United States attorney for the District of Montana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 78 cases of canned prunes at Missoula, Mont., alleging that they had been shipped in interstate commerce on or about November 9 and November 12, 1935, by Lake City Vinegar Co., from Coeur d'Alene, Idaho, and charging adulteration in violation of the Food and

Drugs Act. The article was labeled in part: (Cans) "Coeur d'Alene Brand Fresh Italian Prunes Packed in water Seiter's, Inc. \* \* \* Coeur d'Alene, Idaho."

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

On June 11, 1937, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

H. A. WALLACE, *Secretary of Agriculture.*

**27311. Adulteration of canned blackberries. U. S. v. 71 Cases of Canned Blackberries. Default decree of condemnation and destruction. (F. & D. no. 39118. Sample no. 32651-C.)**

This case involved canned blackberries that were in part moldy.

On February 22, 1937, the United States attorney for the District of Idaho, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 71 cases of canned blackberries at Pocatello, Idaho, alleging that they had been shipped in interstate commerce on or about January 23, 1937, by the National Fruit Canning Co., from Seattle, Wash., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Real Fruit Brand Blackberries \* \* \* Packed by National Fruit Canning Co. Seattle, Wash."

It was alleged to be adulterated in that it consisted wholly or in part of a filthy, decomposed, or putrid vegetable substance, namely, moldy blackberries.

On March 18, 1937, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

H. A. WALLACE, *Secretary of Agriculture.*

**27312. Misbranding of canned peaches. U. S. v. 173 Cases of Canned Peaches. Decree of condemnation. Product released under bond subject to relabeling. (F. & D. no. 39162. Sample no. 30290-C.)**

This product fell below the standard for canned sliced peaches, since the fruit was not uniformly sliced and was not labeled to indicate that it was substandard.

On March 2, 1937, the United States attorney for the District of Kansas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 173 cases of canned peaches at Topeka, Kans., alleging that they had been shipped in interstate commerce on or about August 20, 1936, by Harry Hall & Co., from Lincoln, Calif., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Tee Pee Brand \* \* \* Water Pack Sliced Y. C. Peaches Distributed by the Theo Poehler Mercantile Co., \* \* \* Topeka, Ks."

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 it did not consist of uniformly sliced peaches and its package or label did not bear a statement indicating that it fell below such standard.

On June 2, 1937, the Theo Poehler Mercantile Co., Topeka, Kans., having appeared as claimant and having admitted that the product was misbranded, judgment of condemnation was entered and it was ordered that the product be released under bond subject to relabeling.

H. A. WALLACE, *Secretary of Agriculture.*

**27313. Misbranding of canned peaches and canned apricots. U. S. v. 58 Cases of Canned Peaches, et al. Decree of condemnation. Products released under bond to be relabeled. (F. & D. nos. 39175 to 39178, incl. Sample nos. 30295-C to 30298-C, incl.)**

This case involved canned peaches that were not uniform in size and which were excessively trimmed, and canned apricots which consisted of excessively trimmed and broken pieces and the liquid portion of which was deficient in sugar. The products therefore were substandard and were not labeled to indicate that fact.

On March 11, 1937, the United States attorney for the District of Kansas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 121 cases of canned peaches and 126 cases of canned apricots at McPherson, Kans., alleging that the articles had been shipped in interstate commerce on or about August 18, 1936, by the Cava Packing Co., from Salinas, Calif., and charging misbranding in violation of the Food and Drugs Act as amended. The cans at the time of shipment were unlabeled and were labeled at destination: "Tee Pee Brand \* \* \*