state commerce on or about September 11, 1934, by the J. H. Pelham Co., of Pascagoula, Miss., from Mobile, Ala., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Sea-Fresh Brand Shrimp * * * Packed by The J. H. Pelham Co. Pascagoula, Miss."

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

On September 25, 1935, the J. H. Pelham Co., Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that the decomposed portion be segregated and destroyed.

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

24858. Adulteration of cream. U. S. v. One 10-Gallon Can, et al., of Cream. Decrees of condemnation and destruction. (F. & D. nos. 35170 to 35177, incl. Sample nos. 3560–B, 3563–B, 3564–B, 3566–B, 3800–B, 3856–B, 3861–B, 22734–B.)

These cases involved cream which was filthy or decomposed or both filthy and decomposed.

On or about October 31, November 6, and November 16, 1934, the United States attorney for the Northern District of Iowa, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of sixteen 10-gallon cans and one 5-gallon can of cream at Sioux City, Iowa, alleging that the article had been shipped in interstate commerce between the dates of October 25 and November 4, 1934, in various shipments by E. Ritzer, Scotland, S. Dak.; Farmers Produce Co., Wakonda, S. Dak.; T. M. Boese, Tyndall, S. Dak.; Geo. P. Comer, Rushville, Nebr.; K. M. Dunmire, Scotland, S. Dak.; Wm. F. Kumm, Osmond, Nebr.; Ben Betterman, Paxton, S. Dak.; Ben Diterman, Paxton, S. Dak.; Lloyd H. Libolt, Newport, Nebr.; Vermilion Produce Co., Vermilion, S. Dak.; Sidney Smith, Elk Point, S. Dak.; E. H. Zorr, Salem, S. Dak.; Elmer Hinsthe, Wakefield, Nebr.; B. P. Chusman, McLean, Nebr., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it was moldy and decomposed, certain lots being also filthy and putrid.

On May 1, 1935, Swift & Co., Sioux City, Iowa, the consignee, having admitted the allegations of the libels, judgments of condemnation were entered and it was ordered that the product be destroyed.

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

24859. Misbranding of vanilla extract. U. S. v. 5 Cases of Vanilla Extract. Default decree of condemnation and destruction. (F. & D. no. 35247. Sample no. 28982–B.)

This case involved an interstate shipment of vanilla extract which was misbranded because the bottle contained less than the amount declared on the label and the quantity of contents statement was inconspicuous.

On March 11, 1935, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of five cases of vanilla extract at Boston, Mass., alleging that the article had been shipped in interstate commerce on or about January 26, 1935, by the Morrow Extract Corporation, from New York, N. Y., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Bottle and carton) "Morrow's Pure Extract Vanilla * * * Prepared by Morrow Extract Corp. New York, N. Y."; (carton flap) "Morrow's Vanilla 2½ Fl. Ozs."

The article was alleged to be misbranded in that the statement on the carton flap, "2½ Fl. Ozs.", was false and misleading and tended to deceive and mislead the purchaser, since the bottles contained less than the declared volume. Misbranding was alleged for the further reason that the article was food in package form and failed to bear a plain and conspicuous statement of the quantity of contents, since the statement on the carton flap was incorrect and did not appear in a plain and conspicuous position on the label, and since the bottle label bore no statement of the quantity of the contents at all.

On June 10, 1935, 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.*