

shrimp at Sioux City, Iowa, alleging that the article had been shipped in interstate commerce, on or about April 28, 1934, by the Gulf Coast Canneries, from Biloxi, Miss., and charging adulteration in violation of the Food and Drugs Act. A portion of the article was labeled in part: (Can) "Mallory's Brand Fancy Wet Shrimp, * * * Packed for Pratt-Mallory Co., Sioux City, Iowa." The cans containing the remainder were unlabeled.

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

On October 31, 1934, no claimant having appeared, judgments of condemnation were entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

23306. Misbranding of canned peas. U. S. v. 1,100 Cases of Canned Peas. Consent decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. no. 33058. Sample no. 65487-A.)

This case involved a shipment of canned peas that contained an excessive amount of ruptured and hard peas, and that were not labeled to indicate that they were substandard.

On July 7, 1934, the United States attorney for the Eastern District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 1,100 cases of canned peas at Detroit, Mich., alleging that the article had been shipped in interstate commerce, on or about May 8, 1934, by the G. L. Webster Canning Co., Inc., from Cheriton, Va., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Can) "Webster's Select Quality Early June Peas * * * Packed by G. L. Webster Company, Incorporated, Cheriton, Virginia."

The article 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 and its package or label did not bear a plain and conspicuous statement prescribed by regulation of this Department, indicating that it fell below such standard.

On August 22, 1934, the G. L. Webster Co., Inc., having appeared as claimant, judgment of condemnation was entered and it was ordered that the product be released under bond, conditioned that it be relabeled under the supervision of this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*

23307. Misbranding of vermouth. U. S. v. 74 Cases of Patri Vins Vermouth, et al. Consent decree of condemnation. Product released under bond to be relabeled. (F. & D. no. 33287. Sample nos. 6549-B, 6550-B.)

This case involved a shipment of vermouth labeled "French or "Italian" type", to convey the impression that it was of foreign origin, but which consisted of a domestic product manufactured from wine made from California grapes. The labeling of the "French" type contained unwarranted curative and therapeutic claims.

On August 22, 1934, 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 99 cases of vermouth at New York, N. Y., alleging that the article had been shipped in interstate commerce, in various lots, on or about May 12, May 21, and June 22, 1934, by the Imperial Distilling Corporation, from Hoboken, N. J., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Patri Vins Vermouth * * * French Type Dry"; "Santa Vino Vermouth * * * Sweet Italian Type."

The article was alleged to be misbranded under the provision of the law relating to food in that the statement on the labels, "Patri Vins Vermouth—Vermouth Francais Qualite Superieure", and the prominent word "French" in the statement, "French Type Dry", with respect to the "French" type, and the statement, "Santo Vino Vermouth—Vermouth Italiano Qualita Superiore Torino Type", and the prominent word "Italian" in the statement, "Sweet Italian Type", with respect to the "Italian" type, were misleading and tended to deceive and mislead the purchaser, since they created the impression that the product was of foreign origin; whereas it was not. The libel also alleged that the "French" type was further misbranded in that the following statement appearing on the label, was a statement regarding the curative or therapeutic effects of the article and was false and fraudulent: (English, French, Spanish, and Italian) "Its Tonic, stimulating and astringent

qualities are an excellent remedy against fever and dysentery, and it is therefore of great medicinal value in tropical climates."

On November 16, 1934, the M. S. Griffier Import Co., Inc., New York, N. Y., claimant, having admitted the allegations of the libel and 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 it be relabeled under the supervision of this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*

23308. Adulteration and misbranding of butter. U. S. v. 9 Cases of Butter. Default decree of condemnation and destruction. (F. & D. no. 33314. Sample no. 6260-B.)

This case involved a shipment of butter, samples of which were found to contain less than 80 percent of milk fat.

On or about July 26, 1934, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of nine cases of butter at Jacksonville, Fla., alleging that the article had been shipped in interstate commerce, on or about July 9, 1934, by the Carthage Creamery Co., from Carthage, Mo., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Country Roll Creamery Butter Pasteurized Distributors Wilson & Company, * * * Chicago."

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as provided by the act of Congress of March 4, 1923.

Misbranding was alleged for the reason that the article was labeled "Butter", which was false and misleading, since it contained less than 80 percent of milk fat.

On November 8, 1934, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

23309. Misbranding of canned ravioli. U. S. v. 15 Cases of Canned Ravioli. Default decree of condemnation and sale. (F. & D. no. 33396. Sample nos. 130-B, 131-B, 132-B.)

Sample cans of ravioli taken from the shipment involved in this case were found to contain less than the weight declared on the label.

On September 7, 1934, the United States attorney for the Western District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 15 cases of canned ravioli at El Paso, Tex., alleging that the article had been shipped in interstate commerce, on or about August 5, 1929, by the Santa Maria Packing Corporation from Los Angeles, Calif., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Mama's * * * Italian-Style Ravioli * * * Net Weight 1 Lb. 4 Oz. Mama's Ravioli Company Los Angeles, California."

The article was alleged to be misbranded in that the statement on the labels, "Net Weight 1 Lb. 4 Oz.", was false and misleading and tended to deceive and mislead the purchaser. Misbranding was alleged 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 package, since the statement made was incorrect.

On November 6, 1934, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be sold.

M. L. WILSON, *Acting Secretary of Agriculture.*

23310. Adulteration and alleged misbranding of shelled peanuts. U. S. v. 240 Bags and 240 Bags of Shelled Peanuts. Consent decrees of condemnation and forfeiture. Product released under bond for separation, and destruction of decomposed portion. (F. & D. nos. 33452, 33460. Sample nos. 20103-B, 20104-B.)

These cases involved interstate shipments of peanuts which were wormy and moldy.

On September 14, 1934, the United States attorney for the Western District of Washington, acting upon reports by the Secretary of Agriculture, filed in the