

22231. Adulteration and misbranding of frozen mixed eggs. U. S. v. Jay G. Odell (J. G. Odell Co.). Plea of guilty. Fine, \$25. (F. & D. no. 31481. Sample nos. 27121-A, 33978-A.)

This case was based on two shipments of frozen mixed eggs, one of which was in part decomposed, samples having been found to be putrid, sour, or stale. The remaining lot contained added egg whites.

On April 3, 1934, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Jay G. Odell, trading as J. G. Odell Co., St. Paul, Minn., alleging shipment by said defendant in violation of the Food and Drugs Act, on or about January 8, 1932, from the State of Minnesota into the State of Wisconsin, and on or about October 3, 1932, from the State of Minnesota into the State of New York, of quantities of frozen mixed eggs that were adulterated, and a portion of which was also misbranded. The article was labeled in part: "Odell Fine Northern Mixed Eggs * * * St. Paul."

It was alleged in the information that one of the lots was adulterated in that it consisted in part of a decomposed and putrid animal substance. Adulteration of the remaining lot was alleged for the reason that a product, whole mixed eggs and extra egg whites, had been substituted for mixed whole eggs which the article purported to be.

Misbranding of the portion of the article containing added egg whites was alleged for the reason that the statement, "Mixed Eggs", borne on the can, was false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since the said statement represented that it consisted solely of whole eggs, whereas it consisted of whole eggs to which had been added extra egg whites.

On April 3, 1934, the defendant entered a plea of guilty, and the court imposed a fine of \$25.

M. L. WILSON, Acting Secretary of Agriculture.

22232. Adulteration of canned shrimp. U. S. v. 72 Cases of Canned Shrimp. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31536. Sample no. 55028-A.)

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

On November 3, 1933, the United States attorney for the Eastern District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 72 cases of canned shrimp at Yakima, Wash., alleging that the article had been shipped in interstate commerce on or about August 12, 1933, by the Mavar Fish & Oyster Co., from Biloxi, Miss., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Olivia Brand Small Shrimp."

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed animal substance.

On April 13, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, Acting Secretary of Agriculture.

22233. Misbranding of olive oil. U. S. v. 39 Cans of Olive Oil. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31560. Sample no. 51333-A.)

Sample cans of olive oil taken from the shipment involved in this case were found to contain less than 1 gallon, the labeled volume.

On November 8, 1933, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 39 cans of olive oil at Newark, N.J., alleging that the article had been shipped in interstate commerce on or about June 6, 1933, by the Uddo-Taormina Corporation, from Brooklyn, N.Y., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Francescani Brand Imported Virgin Olive Oil Contents 1 Gallon."

It was alleged in the libel that the article was misbranded in that the statement on the label, "Contents 1 Gallon", was false and misleading and deceived and misled 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 April 12, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

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

22234. Adulteration of canned shrimp. U. S. v. 99 Cases of Canned Shrimp. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31564. Sample no. 54955-A.)

This case involved a shipment of canned shrimp which was found to be in part decomposed.

On or about November 13, 1933, the United States attorney for the Eastern District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 99 cases of canned shrimp at Yakima, Wash., alleging that the article had been shipped in interstate commerce, on or about September 23, 1933, by the Biloxi Canning & Packing Co., from Biloxi, Miss., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Can) "Olivia Brand Small Shrimp * * * Packed by Mavar Fish and Oyster Company, Biloxi, Miss."

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed animal substance.

On April 12, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

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

22235. Adulteration of canned shrimp. U. S. v. 100 Cases and 198 Cases of Canned Shrimp. Default decrees of condemnation, forfeiture, and destruction. (F. & D. nos. 31566, 31567. Sample nos. 54953-A, 54956-A.)

These cases involved a shipment of canned shrimp which was found to be in part decomposed. The article also was falsely labeled as to the name of the manufacturer.

On November 10, 1933, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 298 cases of canned shrimp at Seattle, Wash., alleging that the article had been shipped in interstate commerce, on or about September 23, 1933, by the Biloxi Canning & Packing Co., Inc., from Biloxi, Miss., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Cans) "B-C-P Brand Shrimp [or 'Fountain's Choice Brand Shrimp'] * * * Packed by Biloxi Canning & Packing Co., Inc., Biloxi, Miss."

It was alleged in the libels that the article was adulterated in that it consisted in part of a decomposed animal substance.

Misbranding was alleged for the reason that the statement on the label, "Packed by Biloxi Canning and Packing Co., Inc.", was false and misleading and deceived and mislead the purchaser, since the goods were packed by the Mississippi Coast Packing Co.

On April 19, 1934, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

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

22236. Adulteration of tomato puree. U. S. v. 2,000 Cases of Tomato Puree. Consent decree of condemnation and forfeiture. Product released under bond for segregation and destruction of unfit portion. (F. & D. no. 31570. Sample nos. 43695-A, 43696-A.)

Examination of samples of tomato puree taken from the shipment in this case showed the presence of tomato rot.

On November 13, 1933, 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 2,000 cases of tomato puree at New York, N.Y., alleging that the article had been shipped in interstate commerce, on or about October 6, 1933, by the St. Marys Packing Co., from St. Marys, Ohio, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "The Famous Royal Scarlet Brand Tomato Puree."