

Misbranding was alleged, under the provisions of the law relating to food, in that the statement on the label, "Cordial (not a confection)", was false and misleading and tended to deceive and mislead the purchaser.

On April 5, 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.*

22289. Misbranding of canned orange juice. U. S. v. 8½ Cases of Canned Orange Juice. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30512. Sample no. 30448-A.)

Sample cans of orange juice taken from the shipment in this case were found to contain less than 8 ounces, the labeled volume.

On May 28, 1933, the United States attorney for the Western District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 8½ cases of canned orange juice at Lynchburg, Va., alleging that the article had been shipped in interstate commerce on or about August 30, 1932, by the Orange County Cannery, Inc., from Los Angeles, Calif., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Vita Vac Brand Natural California Orange Juice contents 8 fl. ozs. * * * Orange County Cannery, Inc., Fullerton, California."

It was alleged in the libel that the article was misbranded in that the statement "Contents Eight Fl. Ozs.", was false and misleading and deceived and misled the purchaser, and 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 December 4, 1933, 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.*

22290. Adulteration of butter. U. S. v. Theodore L. Hoef (Monroe City Creamery). Plea of guilty. Fine, \$50. (F. & D. no. 30257. Sample no. 4170-A.)

This case was based on an interstate shipment of butter which contained less than 80 percent by weight of milk fat.

On October 13, 1933, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Theodore L. Hoef, trading as the Monroe City Creamery, Monroe City, Mo., alleging shipment by said defendant in violation of the Food and Drugs Act, on or about May 19, 1932, from the State of Missouri into the State of Illinois, of a quantity of butter which was adulterated.

It was alleged in the information that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which must contain not less than 80 percent by weight of milk fat as defined and required by the act of Congress of March 4, 1923, which the article purported to be.

On December 4, 1933, the defendant entered a plea of guilty, and the court imposed a fine of \$50.

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

22291. Adulteration of canned shrimp. U. S. v. 400 Cases, et al., of Canned Shrimp. Decrees of condemnation and forfeiture. Portion of product destroyed. Remainder released under bond. (F. & D. nos. 31829, 31876. Sample nos. 60519-A, 60520-A, 60535-A.)

These cases involved shipments of canned shrimp which was found to be in part decomposed.

On January 10 and January 24, 1934, the United States attorney for the Western District of Washington, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 525 cases of canned shrimp at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about November 27, 1933, by the Dixie Fisheries, Inc., from Biloxi, Miss., and charging adulteration in violation of the Food and Drugs Act. A portion of the article was labeled, "Mount

Baker Shrimp Kulshan Brand"; the remainder was labeled, "Sea Queen Brand Shrimp."

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

The Dixie Fisheries, Inc., entered an appearance in one case involving 500 cases of the product, admitted the allegations of the said libel, and consented to the entry of a decree. On April 9, 1934, judgment of condemnation and forfeiture was entered in the said case, and it was ordered by the court that the product involved be released to the claimant upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned that the decomposed portions be separated and destroyed. On the same date, no claim having been entered in the remaining case, judgment of condemnation and destruction was entered.

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

22292. Adulteration of canned shrimp. U. S. v. 1,700 Cases of Canned Shrimp. Decree of condemnation and forfeiture. Product released under bond for separation and destruction of unfit portion. (F. & D. no. 31663. Sample no. 51749-A.)

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

On December 5, 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 1,700 cases of canned shrimp at New York, N.Y., alleging that the article had been shipped in interstate commerce, on or about October 27, 1933, by the Southern Shell Fish Co., Inc., from Harvey, La., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Palm Brand Shrimp * * * Packed by Southern Shell Fish Co., Inc., Harvey, La."

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

On April 16, 1934, the Southern Shell Fish Co., Inc., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned that the decomposed portion be segregated and destroyed or denatured.

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

22293. Misbranding of Cream O'Cotton. U. S. v. 24 Cases, et al., of Cream-O-Cotton. Consent decrees of condemnation. Product released under bond to be relabeled. (F. & D. nos. 31708, 31709, 32053. Sample nos. 57881-A, 63651-A, 69053-A.)

Sample cans of shortening taken from the shipments involved in these cases were found to contain less than 4 pounds, the declared weight.

On December 12, 1933, the United States attorney for the Eastern District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 55 cases of Cream O'Cotton at Morrilton, Ark. On December 16, 1933, and February 28, 1934, the United States attorneys for the Western District of Arkansas, and the Western District of Oklahoma, filed libels against 24 cases and 178 cases of the product at Potter, Ark., and Frederick, Okla., respectively. It was alleged in the libels that the article had been shipped in interstate commerce, by the Texas Refining Co., from Greenville, Tex., in various shipments between the dates of September 25 and November 10, 1933, and that it was misbranded in violation of the Food and Drugs Act as amended. The article was labeled in part: "Cream O'Cotton * * * Shortening * * * Net Wt. 4 Lbs. Manufactured and Guaranteed by Texas Refining Co., Greenville, Texas."

The libels charged that the article was misbranded in that the statement on the label, "Net Wt. 4 Lbs.," was false and misleading and deceived and misled the purchaser, and for the further reason that it 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 January 10, January 12, and March 8, 1934, the Texas Refining Co., claimant, having admitted the allegations of the libels and having consented to the entry of decrees, judgments of condemnation were entered and it was ordered by the court that the product be released to the claimant upon the