

than 1½ ounces. Misbranding was alleged for the further reason that the product 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.

On June 28, 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.*

**21166. Adulteration and misbranding of rice. U. S. v. 300 Bags of Rice. Consent decree of condemnation. Product released under bond to be relabeled. (F. & D. no. 30453. Sample no. 23337-A.)**

This case involved an interstate shipment of rice which was labeled "Extra Fancy", and which was of lower grade than Extra Fancy rice.

On May 9, 1933, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 300 bags of rice at Portland, Oreg., alleging that the article had been shipped in interstate commerce, on or about May 4, 1933, by the C. E. Grosjean Rice Milling Co., from San Francisco, Calif., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Extra Fancy T [in diamond] Rice Grown in California."

It was alleged in the libel that the article was adulterated in that rice below the grade specified on the label had been substituted for the article.

Misbranding was alleged for the reason that the statement on the label, "Extra Fancy", was false and misleading and deceived and misled the purchaser.

On May 27, 1933, the Teikoku Co., Portland, Oreg., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation 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 \$500, conditioned that it be relabeled in manner satisfactory to this Department.

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

**21167. Adulteration of apples. U. S. v. 125 Boxes of Apples. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30490. Sample no. 35419-A.)**

This case involved an interstate shipment of apples bearing arsenic and lead in amounts which might have rendered them injurious to health.

On April 28, 1933, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 125 boxes of apples at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about April 14, 1933, by the C. M. Holtzinger Fruit Co. from Yakima, Wash., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it contained added poisonous and deleterious ingredients, to wit, arsenic and lead, in amounts which might have rendered it injurious to health.

On June 16, 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.*

**21168. Adulteration of apples. U. S. v. 57 Crates and 25 Crates of Apples. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30013. Sample nos. 28747-A, 28748-A.)**

This case involved the interstate shipment of quantities of apples found to bear arsenic and lead in amounts which might have rendered them injurious to health.

On February 6, 1933, the United States attorney for the Northern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 82 crates of apples at Hammond, Ind., alleging that the article had been shipped in interstate

commerce, on or about January 26, 1933, by Paul Pervowar, from Ganges, Mich., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it harmful to health.

On June 1, 1933, no claimant having appeared for the property, and the court having found that the product was in a decayed condition and could not be salvaged, judgment of condemnation and forfeiture was entered, and it was ordered that the product be destroyed by the United States marshal.

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

**21169. Adulteration of canned shrimp. U. S. v. 150 Cases and 1,000 Cases of Canned Shrimp. Consent decree of condemnation entered. Product released under bond for separation and destruction of unfit portion. (F. & D. nos. 29800, 30796. Sample nos. 27900-A, 32068-A.)**

These cases involved two interstate shipments of canned shrimp. Samples taken from the shipments showed that the article was in part decomposed.

On February 4, 1933, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 150 cases of canned shrimp at San Francisco, Calif. On August 2, 1933, a libel was filed in the Northern District of New York against 1,000 cases of the same product at Syracuse, N. Y. It was alleged in the libels that the article had been shipped in interstate commerce, the former on or about November 4, 1932, and the latter on or about July 10, 1933, that the shipments had been made by the C. B. Foster Packing Co., from Biloxi, Miss., and that the article was adulterated in violation of the Food and Drugs Act. The article was labeled in part: "Miss Lou Brand \* \* \* Shrimp, Packed by C. B. Foster Packing Co., Inc. Biloxi, Miss."

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

The C. B. Foster Packing Co. appeared as claimant in both cases, admitted the allegations of the libels, and consented to the entry of decrees. On May 4, 1933, judgment of condemnation and forfeiture was entered in the Northern District of California, and on August 22, 1933, the product seized in the Northern District of New York also was condemned and forfeited. The decrees provided, however, that the product might be released to the claimant upon payment of costs and the execution of bonds, conditioned that all portions found to be unfit for human consumption be destroyed.

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

**21170. Alleged adulteration and misbranding of cheese. U. S. v. Frank F. Marquardt (F. F. Marquardt). Plea of guilty. Case ordered dismissed. (F. & D. no. 29518. Sample nos. 8076-A, 8078-A, 8080-A.)**

On May 20, 1933, the United States attorney for the Western District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Frank F. Marquardt, trading as F. F. Marquardt, Stratford, Wis., charging shipment by said defendant in violation of the Food and Drugs Act, on or about May 6, 1932, from the State of Wisconsin into the State of Pennsylvania, of a quantity of cheese that was alleged to be adulterated and misbranded.

The information charged that the article was adulterated in that a substance, namely, an excessive proportion of moisture, i. e., water in excess of 39 percent, had been substituted in part for the article.

The information further charged that the article was misbranded in that the statements, "Dept. of Agriculture Wisconsin State Brand" and "Dept. of Agr. & Markets Wisconsin State Brand", borne on the boxes and cheese, were false and misleading, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser, since the said statements represented that it was cheese complying with a Wisconsin State standard and grade for American cheese, i. e., that it was cheese containing not more than 39 percent of moisture, whereas it did not comply with such standard, since it contained more than 39 percent of moisture.

On June 20, 1933, the defendant entered a plea of guilty to the information and the court ordered that the case be dismissed.

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