

12476. Misbranding of canned shrimp. U. S. v. 27 Cases, et al., of Shrimp. Default decree of condemnation and forfeiture. Product ordered sold. (F. & D. No. 18495. I. S. No. 22226-v. S. No. E-3909.)

On or about March 29 and April 1, 1924, respectively, the United States attorney for the District of Maine, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 212½ cases, each containing 48 cans of shrimp, at Portland, Me., alleging that the article had been shipped by the Marine Products (Inc.), Biloxi, Miss., on or about September 14, 1923, and transported from the State of Mississippi into the State of Maine, and charging misbranding in violation of the food and drugs act. The article was labeled in part: (Can) "Seafooco Brand Shrimp * * * Wet Pack Packed By Sea Food Co., Biloxi, Miss. * * * 5¾ ozs. Shrimp."

Misbranding of the article was alleged in the libels for the 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. Misbranding was alleged for the further reason that the statement, "5¾ ozs.," appearing in the label, was false and misleading and deceived and misled the purchaser in that the said statement purported that each of the cans contained 5¾ ounces of shrimp, whereas, in fact and in truth, the said cans did not contain that amount.

On May 28, 1924, 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 sold by the United States marshal.

HOWARD M. GORE, *Secretary of Agriculture.*

12477. Adulteration and misbranding of dairy feed. U. S. v. Francis X. Murphy and Patrick J. Shouplin (Superior Feed Co.). Pleas of guilty. Fine, \$100 and costs. (F. & D. No. 18323. I. S. No. 3341-v.)

On May 6, 1924, the United States attorney for the Western District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Francis X. Murphy and Patrick J. Shouplin, trading as the Superior Feed Co., Memphis, Tenn., alleging shipment by said defendants, in violation of the food and drugs act, on or about May 10, 1923, from the State of Tennessee into the State of Florida, of a quantity of dairy feed, which was adulterated and misbranded. The article was labeled in part: (Tag) "Jersey Creme Dairy Feed Manufactured By Superior Feed Co., Memphis, Tenn. Guaranteed Analysis: Protein 24 * * * Fat 5 Fibre 12 Ingredients Cotton Seed Meal, Corn Feed Meal, Wheat Bran, Wheat Shorts, Peanut Meal, Alfalfa Meal, Salt, Beet Pulp, Linseed Meal."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained 20.75 per cent of protein, 3.60 per cent of fat, and 13.68 per cent of fiber. Examination by said bureau showed that the product contained no peanut meal and beet pulp and only a trace of linseed meal, if any.

Adulteration of the article was alleged in the information for the reason that a product which contained no peanut meal, no beet meal, and only a trace of linseed meal, if any, had been substituted for a product which contained peanut meal, beet pulp, and linseed meal, which the said article purported to be.

Misbranding was alleged for the reason that the statements, to wit, "Guaranteed Analysis: Protein 24 * * * Fat 5 Fibre 12" and "Ingredients Cotton Seed Meal, Corn Feed Meal, Wheat Bran, Wheat Shorts, Peanut Meal, Alfalfa Meal, Salt, Beet Pulp, Linseed Meal," borne on the tags attached to the sacks containing the article, regarding the said article and the ingredients and substances contained therein, were false and misleading in that the said statements represented that the article contained not less than 24 per cent of protein, not less than 5 per cent of fat, and not more than 12 per cent of fiber, and that it was composed in part of peanut meal, beet pulp, and linseed meal, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained not less than 24 per cent of protein, not less than 5 per cent of fat, and not more than 12 per cent of fiber, and that it was composed in part of peanut meal, beet pulp, and linseed meal, whereas, in truth and in fact, it did contain less than 24 per cent of protein, less than 5 per cent of fat, and more than 12 per cent of fiber, and the said article was not composed in part of peanut meal, beet pulp, and lin-

seed meal, in that it contained no peanut meal, no beet pulp, and only a trace of linseed meal, if any.

On June 23, 1924, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$100 and costs.

HOWARD M. GORE, *Secretary of Agriculture.*

12478. Adulteration of shell eggs. U. S. v. Lonzo Caldemeyer (Elkhart Poultry & Egg Co.). Plea of guilty. Fine, \$50 and costs. (F. & D. No. 16971. I. S. No. 5112-v.)

On March 1, 1923, the United States attorney for the District of Kansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Lonzo Caldemeyer, trading as Elkhart Poultry & Egg Co., Elkhart, Kans., alleging shipment by said defendant, in violation of the food and drugs act, on or about August 22, 1922, from the State of Kansas into the State of Missouri, of a quantity of shell eggs which were adulterated. The article was labeled in part: (Case) "From Elkhart Poultry & Egg Company * * * Elkhart, Kansas."

Examination by the Bureau of Chemistry of this department of 720 eggs from the consignment showed that 64, or 8.8 per cent of those examined, were inedible eggs, consisting of black rots, mixed or white rots, moldy eggs, spot rots, and blood rings.

Adulteration of the article was alleged in the information for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance.

On September 25, 1923, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$50 and costs.

HOWARD M. GORE, *Secretary of Agriculture.*

12479. Adulteration of shell eggs. U. S. v. James A. Williamson and Mary C. Williamson (Williamson Mercantile Co.). Plea of guilty by James A. Williamson. Fine, \$50 and costs. (F. & D. No. 17605. I. S. No. 7591-v.)

On September 4, 1923, the United States attorney for the District of Kansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against James A. Williamson and Mary C. Williamson, copartners, trading as Williamson Mercantile Co., Johnson, Kans., alleging shipment by said defendants, in violation of the food and drugs act, on or about August 23, 1922, from the State of Kansas into the State of Colorado, of a quantity of shell eggs which were adulterated. The article was labeled in part: (Case) "From Williamson Mer. Co. Johnson, Kans."

Examination by the Bureau of Chemistry of this department of 360 eggs from the consignment showed that 101, or 28.1 per cent of those examined, were inedible eggs, consisting of black rots, mixed or white rots, spot rots, and blood rings.

Adulteration of the article was alleged in the information for the reason that it consisted in part of a filthy and decomposed and putrid animal substance.

On September 25, 1923, the court having allowed James A. Williamson to plead for both defendants, a plea of guilty to the information was entered, and the court imposed a fine of \$50 and costs.

HOWARD M. GORE, *Secretary of Agriculture.*

12480. Adulteration of chloroform. U. S. v. 600 Tin Packages and 1,000 Tin Packages of Chloroform. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 16435, 16448. I. S. Nos. 9528-t, 9529-t, 9531-t. S. Nos. E-3962, E-3963, E-3974.)

On June 19 and June 22, 1922, respectively, the United States attorney for the Northern District of Georgia, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 1,600 tin packages of chloroform remaining in the original unbroken packages at Atlanta, Ga., alleging that the article had been shipped from New York, N. Y., in various consignments, namely, on March 15, April 4, and May 13, 1922, respectively, and transported from the State of New York into the State of Georgia, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Chloroform for Anaesthesia."

Analyses of samples of the article by the Bureau of Chemistry of this department showed that they were turbid, that upon evaporation they left