

On June 10, 1932, no claimant having appeared for the property, a decree was entered by the court ordering that the product be destroyed by the United States marshal.

HENRY A. WALLACE, *Secretary of Agriculture.*

**19945. Adulteration and misbranding of raspberry, strawberry, pineapple, blackberry, and cherry preserves and grape jam. U. S. v. H. E. Whitaker Co. Plea of guilty. Fine, \$50. (F. & D. No. 28043. I. S. Nos. 28761, 28762, 30942, 30944, 30947, 30948, 30949.)**

This action was based on the interstate shipment of quantities of preserves and jam which contained undeclared added pectin. The strawberry and cherry preserves also were found to be deficient in fruit content.

On June 15, 1932, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against H. E. Whitaker Co., a corporation, Philadelphia, Pa., alleging shipment by said company, in violation of the food and drugs act, on or about March 20, 1931, from the State of Pennsylvania into the State of Maryland, of quantities of raspberry and strawberry preserves, and on or about April 13, 1931, from the State of Pennsylvania into the State of New Jersey, of quantities of grape jam and strawberry, pineapple, blackberry, and cherry preserves, which said products were adulterated and misbranded. The articles were labeled in part: (Jars) "Parfait Brand Pure Raspberry [or "Strawberry," "Pineapple," "Blackberry," or "Cherry"] Preserves [or "Grape Jam"] Made by H. E. Whitaker Co. Phila."

It was alleged in the information that the strawberry and cherry preserves were adulterated in that products deficient in fruit content and containing added undeclared pectin had been substituted for pure strawberry and cherry preserves which the articles purported to be. Adulteration of the remaining products was alleged for the reason that an undeclared substance, pectin, had been substituted in part for raspberry, pineapple, and blackberry preserves and grape jam, which the articles purported to be.

Misbranding was alleged for the reason that the statements, "Pure Raspberry Preserves," "Pure Strawberry Preserves," "Pure Grape Jam," "Pure Pineapple Preserves," "Pure Blackberry Preserves," and "Pure Cherry Preserves," borne on the jar labels, were false and misleading; and for the further reason that the articles were labeled as aforesaid so as to deceive and mislead the purchaser, since the said statements represented that the articles consisted solely of pure fruit preserves and jam, whereas they were composed in part of an added undeclared substance, pectin, and the strawberry and cherry preserves were deficient in fruit. Misbranding was alleged for the further reason that the articles were offered for sale under the distinctive names of other articles.

On June 20, 1932, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

HENRY A. WALLACE, *Secretary of Agriculture.*

**19946. Adulteration and misbranding of canned shrimp. U. S. v. 192 Cases of Canned Shrimp. Decree of condemnation, forfeiture, and destruction. (F. & D. No. 28009. I. S. Nos. 43073, 43170. S. No. 6067.)**

This action involved the interstate shipment of a quantity of canned shrimp, samples of which were found to be decomposed. The article was also found to be short of the declared weight.

On April 13, 1932, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 192 cases of canned shrimp, remaining in the original unbroken packages at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about October 7, 1931, by the Sea Food Co., from Biloxi, Miss., to Philadelphia, Pa., and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Cans) "De-Lish-Us Brand Fancy Shrimp \* \* \* Wet Pack Contents 5¾ Ozs. \* \* \* Packed by Sea Food Co., Biloxi, Miss."

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

Misbranding of the article was alleged for the reason that the statements, "Fancy Shrimp" and "Contents 5¾ Ozs.," were false and misleading and

deceived and misled the purchasers. Misbranding was alleged for the further reason that the product was 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 June 28, 1932, the proceedings being uncontested by the sole intervener, the Sea Food Co., Biloxi, Miss., judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HENRY A. WALLACE, *Secretary of Agriculture.*

**19947. Misbranding of canned tomatoes. U. S. v. 700 Cases, et al., of Canned Tomatoes. Decree of condemnation and forfeiture. Product released under bond (F. & D. Nos. 27750, 27751, 27752, 27753. I. S. Nos. 44459, 44460. S. No. 5743.)**

These actions were based on the interstate shipments of quantities of canned tomatoes, which were found to fall below the standard of quality and condition promulgated by the Secretary of Agriculture for such canned food, since it contained an excessive amount of green tomatoes, peel, and blemishes, and which were not labeled to show that they were substandard. Portions of the article also were falsely labeled as to the name of the manufacturer.

On February 15, 1932, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 1,124 cases of canned tomatoes at Dallas, Tex. On February 16, 1932, the United States attorney for the Eastern District of Texas filed a libel against 1,072 cases of the product at Crockett, Tex. It was alleged in the libels that the article had been shipped in interstate commerce in part on or about December 26, 1931, and in part on or about December 30, 1931, by the Baron Canning Co., from Fort Smith, Ark., to Dallas, Tex., and that it was misbranded in violation of the food and drugs act as amended. A portion of the article was labeled in part: (Cans) "Baron Brand Hand Packed Tomatoes \* \* \* Packed by Baron Canning Co., Baron, Oklahoma." The remainder of the article was labeled in part: (Cans) "Jackson's Standard Tomatoes, \* \* \* Packed by Jackson Canning Co., Fayetteville, Ark."

Misbranding of the article was alleged in the libels for the reason that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture, in that it contained an excessive amount of green tomatoes, peel, and blemishes, and the labels on the cans did not bear a plain and conspicuous statement indicating that such canned goods fell below such standard.

Misbranding was alleged with respect to portions of the article, for the further reason that the statements, "Jackson's Standard Tomatoes," and "Jackson Standard Packed by Jackson Canning Company, Fayetteville, Ark.," were false and misleading and deceived and misled the purchaser.

On June 8, 1932, B. L. Satterwhite, Crockett, Tex., appeared as claimant for the product seized in the Eastern District of Texas. On June 17, 1932, the Killingsworth Self-Serving Stores (Inc.) and the Webster-Foster Co., both of Dallas, Tex., appeared as claimants for respective portions of the product seized in the Northern District of Texas, and consented to the entry of decrees. Judgments of condemnation and forfeiture were entered in each case, and it was ordered by the court that the product be released to the respective claimants upon payment of costs and the execution of good and sufficient bonds, conditioned in part that it should not be sold or otherwise disposed of contrary to the Federal food and drugs act and all other laws. It was further ordered that the product be relabeled under the supervision of this department.

HENRY A. WALLACE, *Secretary of Agriculture.*

**19948. Adulteration and misbranding of butter. U. S. v. Sugar Creek Creamery Co. Plea of guilty. Fine, \$200 and costs. (F. & D. No. 28035. I. S. Nos. 30755, 30768, 30769, 29911, 29912.)**

This action was based on the interstate shipment of quantities of butter, samples of which were found to contain less than 80 per cent by weight of milk fat, the standard prescribed by Congress. Certain cartons taken from one of the shipments also were found to be short of the declared weight.

On April 30, 1932, the United States attorney for the Southern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against the Sugar Creek Creamery Co., a corporation trading at Pana, Ill.,