

and Drugs Act, from the State of Nebraska into the State of Illinois, on or about December 12, 1931, of a quantity of a product purporting to be canned frozen mixed whole eggs, which was adulterated, and on or about March 11, 1932, of a quantity of butter that was adulterated and misbranded. The eggs were billed as frozen eggs, and were labeled in part, "Mixed." The butter was labeled in part: "Glenwood Creamery Butter * * * Distributed by Swift & Company * * * Chicago, U.S.A."

Adulteration of the canned frozen eggs was alleged in the information for the reason that egg whites, in excess of the normal amount contained in mixed whole eggs, had been mixed and packed with the article so as to reduce and lower and injuriously affect its quality and strength and had been substituted in part for mixed whole eggs, which the article purported to be.

Adulteration of the butter was alleged for the reason 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 required by the act of Congress of March 4, 1933, which the article purported to be.

Misbranding of the butter was alleged for the reason that the statement "Butter", borne on the cartons, was false and misleading, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser, since it was not butter as defined by law.

On January 30, 1933, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$150.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20632. Misbranding of butter. U. S. v. Western Meat Co. Plea of guilty. Fine, \$200. (F. & D. no. 29343. I. S. no. 32722.)

This case was based on a shipment of print butter, sample cartons of which were found to contain less than 1 pound, the declared weight.

At the November 1932 term of court, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States an information against the Western Meat Co., a corporation, San Francisco, Calif., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about March 16, 1932, from the State of California, to Honolulu, Hawaii, of a quantity of butter that was misbranded. The article was labeled in part: "'Fort Sutter' Brand Butter * * * Net Weight 1 Lb. Distributed by Western Meat Co."

It was alleged in the information that the article was misbranded in that the statement "Net Weight 1 Lb.", borne on the cartons, was false and misleading, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser, since each of a large number of the said cartons contained less than 1 pound of the article. 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 packages, since the statement made was incorrect.

On January 6, 1933, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$200.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20633. Adulteration of canned salmon. U. S. v. 500 Cases of Canned Salmon. Decree of condemnation. Product released under bond. (F. & D. no. 29549. Sample no. 18430-A.)

This action involved an interstate shipment of canned salmon, that was in part decomposed.

On or about December 9, 1932, the United States attorney for the Western 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 a libel praying seizure and condemnation of 500 cases of canned salmon, remaining in the original unbroken packages at San Antonio, Tex., alleging that the article had been shipped in interstate commerce on or about September 8, 1932, by the Oceanic Sales Co., from Seattle, Wash., into the State of Texas, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Blue and White Brand Pink Salmon."

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

On January 6, 1933, the Superior Packing Co., Seattle, Wash., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation was entered and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned that it be inspected and the portion found unfit for human consumption be destroyed.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20634. Adulteration of figs. U. S. v. 10 Cases and 20 Cases of Figs. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29578. Sample nos. 25980-A, 25981-A.)

This case involved quantities of figs that were in part insect-infested and moldy.

On December 3, 1932, the United States attorney for the Western District of Washington, 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 30 cases of figs, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by H. J. Giebelers, in part on or about October 15, 1932, from San Francisco, Calif., and in part on or about October 15, 1932, from San Francisco, Calif., and in part on or about November 16, 1932, from Merced, Calif., and had been transported from the State of California into the State of Washington, and charging adulteration in violation of the Food and Drugs Act. A portion of the article was labeled; "Giebeler's White California Figs." The remainder was labeled; "White California Figs * * * Packed By Giebeler's Fig Gardens Merced, Calif."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a decomposed and filthy vegetable substance.

On January 10, 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.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20635. Adulteration of canned tomato catsup. U. S. v. 166 Cases, et al., of Tomato Catsup. Default decree of condemnation and destruction. (F. & D. no. 28991. Sample nos. 10478-A, 10479-A.)

This action involved the shipment of a quantity of canned tomato catsup which contained excessive mold.

On October 3, 1932, the United States attorney for the District of Connecticut, 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 227 cases of canned tomato catsup, remaining in the original unbroken packages at Meriden, Conn., alleging that the article had been shipped in interstate commerce on or about May 18, 1932, by Francis H. Leggett & Co., Inc., from Landisville, N. J., to Meriden, Conn., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Unicorn Brand Tomato Catsup * * * Francis H. Leggett & Co. Distributors, New York."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, and putrid vegetable substance.

On January 30, 1933, no claimant having appeared for the property, judgment of condemnation was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20636. Adulteration and misbranding of canned shrimp. U. S. v. 45 Cases and 73 Cases of Canned Shrimp. Decrees of condemnation, forfeiture, and destruction. (F. & D. nos. 29178, 29179. Sample nos. 20389-A, 20390-A.)

These cases involved an interstate shipment of two lots of canned shrimp that were in part decomposed. One of the lots was short weight and also fell below the standard of fill of container established by this Department, and was not labeled with a statement to show that it was slack filled.

On November 2, 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 libels praying seizure and condemnation of two lots consisting of 45 cases and 73 cases, re-