

On January 18, 1933, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the San Diego Macaroni Manufacturing Co., a corporation, San Diego, Calif., alleging shipment by said company in violation of the Food and Drugs Act, as amended, on or about July 15, 1931, from the State of California into the State of Arizona, of a quantity of vermicelli that was misbranded. The article was labeled in part: "De Rocco's Chef Brand Vermicelli * * * Net Weight 8 oz. or over. San Diego Macaroni Mfg. Co. San Diego, Calif."

It was alleged in the information that the article was misbranded in that the statement "Net Weight 8 oz. or over", borne on the packages, was false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since the packages contained less than 8 ounces. 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 package, since the statement made was incorrect, and it was in such small type as not to be plain and conspicuous.

On January 30, 1933, a plea of nolo contendere to the information was entered on behalf of the defendant company. On March 17, 1933, judgment of guilty was entered and the court imposed a fine of \$200. Payment of the fine was ordered suspended for a period of 2 years.

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

21015. Adulteration of butter. U. S. v. The Merchants Creamery Co., Inc. Plea of guilty. Fine, \$10. (F. & D. no. 29335. I. S. nos. 36429, 36430.)

This case was based on interstate shipments of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter established by Congress.

On December 16, 1932, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Merchants Creamery Co., Inc., trading at Springfield, Mo., alleging shipment by said company, in violation of the Food and Drugs Act, on or about July 13 and August 8, 1931, from the State of Missouri into the State of Ohio, of quantities of butter that 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 of milk fat, which the article purported to be.

On April 3, 1933, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$10.

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

21016. Adulteration and misbranding of canned shrimp. U. S. v. 459 Cases of Canned Shrimp. Adulterated portion condemned and destroyed. Misbranded portion released under bond to be re-labeled. (F. & D. no. 29760. Sample no. 27076-A.)

This case involved an interstate shipment of canned shrimp, a part of which was coded and the remainder of which was uncoded. The product contained in the coded cans was found to be in part decomposed. The cans in the uncoded portion were found to contain less than the declared weight; they also contained excessive liquid and were not labeled to indicate that they were slack filled.

On January 18, 1933, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 459 cases of canned shrimp at Cincinnati, Ohio, consigned by the Biloxi Canning & Packing Co., Inc., Biloxi, Miss., November 2, 1932, alleging that the article had been shipped in interstate commerce from the State of Mississippi into the State of Ohio, and charging adulteration of a portion and misbranding of the remainder, in violation of the Food and Drugs Act as amended. The article was labeled in part: (Can) "Sea Beach Brand Shrimp Packed by Biloxi Canning & Packing Co., Inc., Biloxi, Miss. Contents Wet Pack 5¼ Ozs."

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

Misbranding was alleged with respect to the uncoded portion for the reason that the statement "Contents * * * 5¼ Oz.", was false and misleading