

ing, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since the sacks contained less than 100 pounds. Misbranding of the meal 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.

On June 27, 1933, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25.

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

**21144. Adulteration and misbranding of canned shrimp. U. S. v. 48 Cases, et al., of Canned Shrimp. Default decree of condemnation, forfeiture, and destruction.** [F. & D. nos. 27820, 27937, 37960. I. S. nos. 41165, 53926, 53927. S. nos. 5925, 5972, 5973.]

These cases involved quantities of canned shrimp, a portion of which was short weight, and the remainder of which was in part decomposed.

On March 8, March 21, and March 28, 1932, the United States attorney for the Eastern District of Missouri, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 109 cases of canned shrimp at St. Louis, Mo., alleging that the article had been shipped in interstate commerce on or about January 21, 1932, by the Dorgan-McPhillips Packing Corporation, from Bayou Labatre, Ala., and charging that a portion of the article was adulterated in violation of the Food and Drugs Act and that the remainder was misbranded in violation of said act as amended. A portion of the article was labeled: "Marine Club Brand Large Wet Pack Shrimp Contents 5¾ oz. Packed for the Goddard Grocer Co., St. Louis, Mo." The remainder was labeled in part: "Miss America Brand Shrimp. \* \* \* Packed by Dorgan McPhillips Packing Corp., Mobile, Ala."

It was alleged in the libel filed against the Miss America brand shrimp, that the article was adulterated in that it consisted in part of a decomposed animal substance.

Misbranding of the remaining lots was alleged for the reason that the statement "5¾ oz.", borne on the labels, was false and misleading and deceived and misled the purchaser. 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.

On May 26 and June 7, 1933, no claimant having appeared for the property, judgments of condemnation and forfeiture were 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.*

**21145. Adulteration and misbranding of jellies. U. S. v. Lutz & Schramm Co. Plea of guilty. Fine, \$100 and costs.** (F. & D. no. 27557. I. S. nos. 30586, 30587, 30589, 30591.)

This action was based on the interstate shipment of quantities of imitation jellies consisting of mixtures of water, sugar, tartaric acid, and small amounts of fruit juices, jellied by the addition of pectin. The articles did not possess the distinctive flavor of the fruits named on the labels.

On September 10, 1932, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Lutz & Schramm Co., a corporation, Pittsburgh, Pa., alleging shipment by said company in violation of the Food and Drugs Act, on or about April 11, 1931, from the State of Pennsylvania into the State of Massachusetts, of quantities of jellies that were adulterated and misbranded. The articles were labeled in part: "Quakerlade Brand Fruit Pectin and Apple [or "Currant", "Plum", or "Strawberry"] Jelly Lutz & Schramm Co. Pittsburgh, Pa."

It was alleged in the information that the articles were adulterated in that mixtures of water, sugar, and tartaric acid, jellied by the addition of pectin, had been mixed and packed therewith so as to reduce and lower and injuriously affect their quality and strength; for the further reason that imitations of apple, currant, plum, and strawberry jellies, i. e., mixtures of water, sugar, tartaric acid, and little, if any, fruit juices, jellied by the addition of pectin, had been substituted in whole and in part for the articles; and for the further reason that the articles were mixed so as to simulate the flavor of fruit pectin and apple (or plum, currant, or strawberry) jellies, and in a manner whereby their inferiority to said jellies was concealed.

Misbranding was alleged for the reason that the statements, "Fruit Pectin and Apple [or "Currant", "Plum", or "Strawberry"] Jelly", borne on the labels were false and misleading, and for the further reason that the articles were labeled so as to deceive and mislead the purchaser, in that the said statements represented that the articles consisted wholly of fruit pectin and apple, plum, currant, or strawberry jellies, whereas they did not so consist, but did consist in large part of water, sugar, and tartaric acid, jellied by the addition of pectin and contained little or no fruit. Misbranding was alleged for the further reason that the articles were imitations of and were offered for sale and sold under the distinctive names of other articles.

On May 25, 1933, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100.

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

**21146. Adulteration and misbranding of preserves, and misbranding of jams. U. S. v. 16 Cases of Strawberry Preserves, et al. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30049. Sample nos. 33515-A, 33516-A, 34946-A, 34947-A.)**

This case involved strawberry and raspberry preserves that were deficient in fruit; also quantities of imitation jams. The strawberry preserves contained added water, and a part also contained added pectin and acid. The raspberry preserves contained added water, and a part also contained added pectin. The jams were not plainly and conspicuously labeled "Imitation." Sample jars taken from one of the lots of jams were found to contain less than 2 pounds, the labeled weight.

On April 5, 1933, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 63½ cases of strawberry and raspberry preserves and 8 cases of assorted jams at Trenton, N. J., alleging that the articles had been shipped in interstate commerce, between August 13, 1932 and February 11, 1933, by the Atlantic Food Products Co., from Philadelphia, Pa., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The preserves were labeled in part: "Nature's Best \* \* \* Pure Strawberry [or "Raspberry"] Preserves Atlantic Food Products Co., Philadelphia." The jams were labeled in part: "Nature's Best 12 Ozs. Net [or "2 Lbs. Net Wt." or "40 Oz."] Imitation Apricot [or "Peach", "Pineapple", "Strawberry", or "Raspberry"] Jam \* \* \* Packed by Atlantic Presv'g Co., Philadelphia."

It was alleged in the libel that the preserves were adulterated in that sugar and water, in the case of certain lots; sugar, water, and pectin, in the case of certain lots; and sugar, water, pectin, and acid, in the case of certain other lots; had been mixed and packed with the articles so as to reduce, lower, and injuriously affect their quality. Adulteration was alleged for the further reason that a mixture of fruit, sugar, and water in certain lots; a mixture of fruit, sugar, water, and pectin in a certain lot; and a mixture of fruit, sugar, water, pectin, and acid in certain lots, and containing less fruit than contained in preserves, had been substituted for pure strawberry or raspberry preserves. Adulteration of the said preserves was alleged for the further reason that they had been mixed in a manner whereby inferiority was concealed.

Misbranding of the said preserves was alleged for the reason that the statements on the labels, "Pure Strawberry" [Or "Raspberry"] Preserves", were false and misleading and deceived and misled the purchaser when applied to articles of the compositions disclosed. Misbranding of the preserves was alleged for the further reason that the articles were offered for sale under the distinctive names of other articles.

Misbranding of the jams was alleged for the reason that they were labeled in such manner as to be false and misleading and so as to deceive and mislead the purchaser, since they were not plainly and conspicuously labeled as imitations because of the relative inconspicuousness of the word "imitation", in relation to the size of type in the name of the fruit on the label. Misbranding was alleged with respect to a portion of the jams for the further reason that the statement on the label, "2 lbs. Net Wt.", was false and misleading and deceived and misled the purchaser, and for the further reason that the article 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.