

**21298. Adulteration of canned shrimp. U. S. v. 346 Cases of Canned Shrimp. Consent decree of condemnation. Product released under bond for separation of decomposed portion. (F. & D. no. 30390. Sample no. 35206-A.)**

This case involved an interstate shipment of various lots of canned shrimp distinguished by certain code marks. Samples taken from one of the codes were found to be decomposed.

On May 2, 1933, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 346 cases of canned shrimp at Cleveland, Ohio, alleging that the article had been shipped in interstate commerce on or about February 17, 1933, by the Biloxi Canning & Packing Co., from Biloxi, Miss., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "BCP Brand Shrimp."

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

On July 14, 1933, the Biloxi Canning & Packing Co., Biloxi, Miss., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$2,000, conditioned that the code which contained decomposed shrimp be sorted out and separated from the remainder. Subsequently all cans in the segregated code which were found to contain decomposed shrimp were destroyed.

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

**21299. Adulteration of apple butter. U. S. v. 285 Cases of Apple Butter. Default decree of destruction. (F. & D. no. 30362. Sample no. 27146-A.)**

This case involved a shipment of apple butter that was contaminated with rodent hairs and insects.

On April 26, 1933, the United States attorney for the Eastern District of Kentucky, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 285 cases of apple butter at Lexington, Ky., consigned by the C. H. Musselman Co., from Biglerville, Pa., alleging that the article had been shipped in interstate commerce on or about March 1, 1933, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Pleasure Brand \* \* \* Apple Butter."

It was alleged in the libel that the article was adulterated in that the product consisted wholly or in part of a filthy vegetable substance.

On July 25, 1933, no claimant having appeared for the property, a decree was entered adjudging the product to be adulterated, and it was ordered by the court that it be destroyed by the United States marshal.

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

**21300. Misbranding of butter. U. S. v. 9 Cartons of Butter. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30680. Sample no. 43255-A.)**

This case involved a shipment of butter, sample packages of which were found to contain less than 16 ounces, the weight declared on the label.

On June 8, 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 nine cartons of butter at Paterson, N.J., alleging that the article had been shipped in interstate commerce on or about June 2, 1933, from the premises of John H. Berger & Co., New York, N.Y., to the premises of the Herman Co., Paterson, N.J., by truck of Joseph Ferraro, and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Daisee Brand Finest Creamery Butter Net Weight 16 Ounces The Herman Co., Paterson, N.J."

It was alleged in the libel that the article was misbranded in that the statement on the label, "Net Weight 16 Ounces", 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 of weight was incorrect.