

It was alleged in the libel that the article was adulterated in that graham crackers sweetened with sugar and honey had been substituted for orange-flavored, honey-flavored graham crackers.

Misbranding of the article was alleged for the reason that the statements on the label, "Orange Flavored Honey Flavored Graham Crackers" and "2 Pounds Net Weight", were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the product 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 February 21, 1934, the San Francisco Biscuit Co., San Francisco, Calif., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be delivered to the claimant upon payment of costs and the execution of a bond in the sum of \$800, conditioned that it be made to conform with the provisions of the Federal Food and Drugs act under the supervision of this Department.

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

22054. Adulteration of tullibeas. U. S. v. 146 Boxes, et al., of Tullibeas. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29686. Sample nos. 26414-A to 26417-A.)

This case involved shipments of tullibeas that were found to be infested with parasitic worms.

On December 28, 1932, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 541 boxes of tullibeas at Baltimore, Md., alleging that the article had been shipped in interstate commerce between August 28, 1932, and November 3, 1932, by the Booth Fisheries Co., from Warroad, Minn., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy animal substance, and in that it consisted of portions of animals unfit for food.

On August 4, 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.

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

22055. Adulteration of canned shrimp. U. S. v. 567 Cases of Canned Shrimp. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31287. Sample no. 45124-A.)

This case involved a shipment of canned shrimp that was found to be in part decomposed.

On October 26, 1933, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 567 cases of canned shrimp at San Francisco, Calif., alleging that the article had been shipped in interstate commerce on or about September 8, 1933, by the Golden Meadow Packing Co., from Golden Meadow, La., and charging adulteration in violation of the Food and Drugs Act.

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

On March 28, 1934, no claimant having appeared for the product, judgment of condemnation and forfeiture was 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.*

22056. Misbranding of black pepper. U. S. v. American Tea & Coffee Co. (American Ace Tea & Coffee Co., Inc., American Ace Coffee Co.). Plea of nolo contendere. Fine, \$10. (F. & D. no. 31334. Sample no. 26756-A.)

This case was based on an interstate shipment of pepper in packages that were not labeled to show the quantity of the contents.

On December 18, 1933, the United States attorney for the Middle District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the American Tea & Coffee Co., Nashville, Tenn., a corporation, trading as the American Ace Tea & Coffee Co., Inc., and

as the American Ace Coffee Co., alleging shipment by said company in violation of the Food and Drugs Act as amended, on or about October 12, 1932, from the State of Tennessee into the State of Kentucky, of a quantity of black pepper that was misbranded. The article was labeled in part: (Can) "American Ace Brand Pure Ground Black Pepper American Ace Tea & Coffee Co., Inc. * * * Louisville, Ky., Nashville, Tenn."

It was alleged in the information that the article was misbranded in that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On March 13, 1934, a plea of nolo contendere was entered on behalf of the defendant company, and the court imposed a fine of \$10.

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

22057. Adulteration of canned shrimp. U. S. v. 762 Cases of Canned Shrimp. Decree of condemnation and forfeiture. Product released under bond. (F. & D. no. 31890. Sample nos. 47341-A, 47354-A.)

This case involved a shipment of canned shrimp that was found to be in part decomposed.

On January 25, 1934, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 762 cases of canned shrimp at San Francisco, Calif., alleging that the article had been shipped in interstate commerce by the Anticich Packing Co., Inc., from Biloxi, Miss., on or about December 11, 1933, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Gulf Spray Brand Shrimp * * * Packed by Anticich Packing Co., Inc., Biloxi, Miss."

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

On February 26, 1934, the Anticich Packing Co., Inc., having appeared as claimant for the property, judgment of condemnation and forfeiture 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 \$3,000, conditioned that it not be sold or disposed of in violation of the Federal Food and Drugs Act.

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

22058. Adulteration and misbranding of butter. U. S. v. Delta Valley Creamery Co. Plea of guilty. Fine, \$32. (F. & D. no. 29513. Sample nos. 1092-A, 1093-A, 13613-A.)

This case was based on interstate shipments of print butter that contained less than 80 percent of milk fat. The prints were wrapped in parchment wrappers that bore no statement of the quantity of the contents.

On May 16, 1933, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Delta Valley Creamery Co., a corporation, Delta, Utah, alleging shipment by said company in violation of the Food and Drugs Act as amended, in three shipments on or about June 7, June 10 and July 22, 1932, respectively, of quantities of butter that was adulterated and misbranded. Two of the shipments were labeled on the case: "Butter."

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 should contain not less than 80 percent by weight of milk fat as prescribed by the act of March 4, 1923, which the article purported to be.

Misbranding was alleged with respect to two of the shipments for the reason that the statement, "Butter," borne on the cases, was false and misleading, and for the further reason that it was labeled so as to deceive and mislead the purchaser, since the article was not butter, in that it contained less than 80 percent by weight of milk fat. Misbranding was alleged with respect to all shipments for the reason that the articles was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On September 16, 1933, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$32.

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