

22256. Misbranding of canned red kidney beans, asparagus, hominy, sugar corn, pumpkin, stringless green beans, and wax beans. U. S. v. Marshall Canning Co. Plea of guilty. Fine, \$300 and costs. (F. & D. no. 30216. Sample nos. 2164-A, 2171-A, 2174-A, 2175-A, 2226-A, 2234-A, 2376-A, 2387-A, 2388-A, 2398-A, 2399-A, 2400-A, 2413-A.)

This case was based on various interstate shipments of short-weight canned vegetables.

On September 30, 1933, the United States attorney for the Southern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Marshall Canning Co., a corporation, Marshalltown, Iowa, alleging shipment by said company in violation of the Food and Drugs Act as amended, in various consignments between the dates of December 12, 1930 and June 28, 1932, from the States of Iowa, Montana, New Mexico, and Texas, into the State of Wyoming, of quantities of canned vegetables which were misbranded. The articles were labeled in part, variously: (Cans) "Uncle William Improved Red Kidney Beans [or "Fancy Green Asparagus" or "Hominy"] Marshall Canning Co., * * * Marshalltown, Iowa * * * Contents 1 Lb."; "Marshall Fancy Green Asparagus [or "Hominy" or "Sugar Corn"] Contents 1 Lb. Marshall Canning Co."; "Le Grande Brand Pumpkin Contents 1 Lb. Marshall Canning Co."; "El Rey Brand Hominy Packed for Gomez & Apodaca El Paso Texas"; "Le Grande Brand Cut Stringless Green Beans Contents 6 Lb. 12 Oz. Marshall Canning Co."; "Cameo Brand Fancy Wax Beans Contents 6 Lbs. 12 Oz. A Marshall Canning Co. Product."

It was alleged in the information that the articles were misbranded in that the statement, "Contents 1 Lb." with respect to certain of the products, and the statement, "Contents 6 Lb. 12 Oz." with respect to the remainder, were false and misleading, and for the further reason that the articles were labeled so as to deceive and mislead the purchaser, since the cans contained less than 1 pound, or 6 pounds 12 ounces, as the case might be. Misbranding was alleged for the further reason that the articles were 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 December 9, 1933, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$300 and costs.

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

22257. Adulteration of butter. U. S. v. 2 Barrels of Butter. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31899. Sample no. 52325-A.)

This case involved an interstate shipment of butter which was found to contain rodent and cow hairs, insects and parts of insects, fragments of feathers, insect eggs, and other extraneous matter.

On January 5, 1934, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of two barrels of butter at New York, N. Y., alleging that the article had been shipped in interstate commerce, on or about December 19, 1933, by the City Produce Exchange, Inc., from Harrisonburg, Va., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Tag) "From City Produce Exchange, Inc. Harrisonburg, Va."

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

On February 14, 1934, 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.*

22258. Adulteration of butter. U. S. v. 4 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reworked. (F. & D. no. 32632. Sample nos. 51951-A, 51952-A.)

This case involved a shipment of butter which was low in milk fat.

On December 21, 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 four tubs of butter at Jersey City, N. J., alleging that the article had been shipped in interstate commerce on or about December 15, 1933, from New York, N. Y., and charging adulteration in violation of the Food and Drugs Act.