

22902. Misbranding of canned crab meat. U. S. v. 15 Cases of Anderson Crab Meat. Default decree adjudging product misbranded and providing for its release under bond, or for destruction. (F. & D. no. 32659. Sample no. 60497-A.)

Sample jars of crab meat taken from the shipment involved in this case were found to contain less than 8 ounces, the weight declared on the label.

On May 2, 1934, the United States attorney for the District of Montana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 15 cases of crab meat at Butte, Mont., alleging that the article had been shipped in interstate commerce, on or about April 20, 1934, by the Corvallis Creamery Co., from Portland, Oreg., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Jar) "Anderson Crabmeat Net Weight 8 Oz.—Packed by Anderson Crab Market, Waldorf, Ore."

The article was alleged to be misbranded in that the statement on the label, "Contents 8 Oz.", was false and misleading and tended to deceive and mislead the purchaser, since the jars contained less than 8 ounces of the article.

On October 1, 1934, no claimant having appeared, judgment was entered finding the product misbranded and ordering that it be destroyed unless claimant appear and file a bond within 10 days, conditioned that it would not be sold or disposed of contrary to the provisions of the Food and Drugs Act and all other laws.

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

22903. Adulteration of canned spinach. U. S. v. 37 Cases of Canned Spinach. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32702. Sample no. 61826-A.)

This case involved a shipment of canned spinach, samples of which were found to contain botulinus toxin.

On May 16, 1934, the United States attorney for the Southern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 37 cases of canned spinach at Houston, Tex., alleging that the article had been shipped in interstate commerce, on or about March 26, 1934, by the Tri-Valley Packing Association, from Alameda, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "California's Nugget Brand Spinach * * * California Cooperative Producers, San Francisco, Cal."

The article was alleged to be adulterated in that it consisted wholly or in part of a decomposed vegetable substance.

On September 28, 1934, no claimant having appeared, judgment of condemnation and forfeiture was entered, and destruction of the product was ordered.

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

22904. Misbranding of canned tomatoes. U. S. v. 625 Cases of Canned Tomatoes. Consent decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. no. 32714. Sample nos. 67709-A, 69753-A.)

This case involved a shipment of canned tomatoes that fell below the standard established by this Department, because of lack of color, and which was not labeled to indicate that it was substandard.

On May 16, 1934, 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 625 cases of canned tomatoes at Jersey City, N. J., alleging that the article had been shipped in interstate commerce, on or about April 4, 1934, by the Eckerson Fruit Canners, Inc., from Sanford, Fla., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Can) "Eckerson's Hand Packed Tomatoes * * * Packed by Eckerson Fruit Canners, Inc., Executive Office Jersey City, N. J."

The article was alleged to be misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture, because of lack of proper color, and the package or label did not bear a plain and conspicuous statement prescribed by regulation of this Department, indicating that it fell below such standard.

On September 4, 1934, the Eckerson Fruit Canners, Inc., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered that the product be released to the claimant upon payment of costs