

23145. Adulteration of crab meat. U. S. v. 1 Barrel of Crab Meat. Default decree of condemnation and destruction. (F. & D. no. 33564. Sample no. 5088-B.)

This case involved an interstate shipment of crab meat that was found to contain filth.

On August 20, 1934, the United States attorney for the Middle District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of one barrel of crab meat at York, Pa., alleging that the article had been shipped in interstate commerce, on or about August 15, 1934, by the Hoffman Sea Food Co., of Wenona, Md., from Deal's Island, Md., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On September 12, 1934, no claimant having appeared, judgment of condemnation was entered and destruction of the product was ordered.

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

23146. Adulteration of apples. U. S. v. 89 Bushels of Apples. Decree of destruction. (F. & D. no. 33742. Sample no. 19327-B.)

Examination of the apples involved in this case showed the presence of lead.

On September 28, 1934, the United States attorney for the Western District of Kentucky, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 89 bushels of apples at Louisville, Ky., alleging that the article had been shipped in interstate commerce, on or about September 25, 1934, from the South Haven Fruit Exchange, South Haven, Mich., by Joe Russo, of Louisville, Ky., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained lead, an added poisonous or deleterious ingredient, which might have rendered it injurious to health.

On October 13, 1934, no claim having been entered, and the consignee having recommended that the apples be destroyed because they were spoiled and unfit for human consumption, judgment was entered ordering their immediate destruction.

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

23147. Adulteration and misbranding of wheat gray shorts and screenings. U. S. v. Star Mill & Elevator Co., Inc. Plea of guilty. Fine, \$2 and costs. (F. & D. no. 33754. Sample no. 18526-A.)

This case was based on an interstate shipment of alleged wheat gray shorts and screenings which consisted of wheat brown shorts and screenings. The product was found to contain more crude fiber than declared on the label.

On September 19, 1934, the United States attorney for the Western District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Star Mill & Elevator Co., Inc., a corporation, Hennessey, Okla., alleging shipment by said company, in violation of the Food and Drugs Act, on or about September 28, 1933, from the State of Oklahoma into the State of Texas, of a quantity of wheat gray shorts and screenings which were adulterated and misbranded. The article was labeled in part: (Tag) "Wheat Gray Shorts & Screenings * * * Manufactured by Star Mill & Elevator Company, Hennessey, Oklahoma, Guaranteed Analysis: * * * Crude Fiber not more than 6.00 Per Cent."

The article was alleged to be adulterated in that a mixture of wheat brown shorts and screenings had been substituted for wheat gray shorts and screenings, which the article purported to be.

Misbranding was alleged for the reason that the statements, "Wheat Gray Shorts & Screenings * * * Guaranteed Analysis * * * Crude Fiber not more than 6.00 Per Cent", borne on the tag, was false and misleading and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since it was wheat brown shorts and screenings, and contained more than 6 percent of crude fiber.

On September 25, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$2 and costs.

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