

The article was labeled in part: "Camarones Bella Cubana * * * The Nassauville Packing Company, Nassauville, Florida."

The article was alleged to be adulterated in that it consisted in part of a decomposed and putrid animal substance.

On October 5, 1934, a plea of nolo contendere was entered on behalf of the defendant company, and the court imposed a fine of \$50.

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

23153. Adulteration of canned shrimp. U. S. v. 43 Cases of Canned Shrimp. Default decree of condemnation and destruction. (F. & D. no. 31275. Sample no. 45306-A.)

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

On October 30, 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 43 cases of canned shrimp at San Francisco, Calif., alleging that the article had been shipped in interstate commerce, on or about September 5, 1933, by the Mavar Fish & Oyster Co., from Biloxi, Miss., and charging adulteration in violation of the Food and Drugs Act.

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

On November 2, 1934, no claimant having appeared, judgment of condemnation was entered and destruction of the product was ordered.

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

23154. Adulteration of apples. U. S. v. Pacific Fruit & Produce Co. Plea of guilty. Fine, \$10. (F. & D. no. 31485. Sample no. 31253-A.)

This case was based on an interstate shipment of apples, examination of which showed the presence of arsenic and lead.

On April 28, 1934, the United States attorney for the Eastern District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Pacific Fruit & Produce Co., a corporation, Yakima, Wash., alleging shipment by said company, in violation of the Food and Drugs Act, on or about February 20, 1933, from the State of Washington into the State of Montana, of a quantity of apples which were adulterated. The article was labeled in part: "Winesap * * * Grown and Packed by W. F. Nagler * * * Washington."

The article was alleged to be adulterated in that it contained added poisonous and deleterious ingredients, arsenic and lead, in amounts which might have rendered it injurious to health.

On October 3, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$10.

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

23155. Adulteration and misbranding of preserves, and misbranding of imitation jams. U. S. v. Atlantic Food Products Co. Plea of nolo contendere. Sentence suspended and defendant placed on probation. (F. & D. no. 31511. Sample nos. 33509-A, 33510-A, 33512-A, 33513-A, 33515-A, 33516-A, 34946-A, 34947-A.)

This case was based on interstate shipments of preserves which contained less fruit and more sugar and water than preserves contain and some of which contained added pectin or added pectin and acid. Several lots of imitation jams which were not clearly and plainly labeled "imitation" and which were short weight, also were involved.

On August 8, 1934, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Atlantic Food Products Co., a corporation, trading at Philadelphia, Pa., alleging shipment by said company in violation of the Food and Drugs Act, as amended, between the dates of July 7, 1932, and February 11, 1933, from the State of Pennsylvania into the State of New Jersey, of quantities of fruit preserves which were adulterated and misbranded and of quantities of imitation jams which were misbranded. The preserves were labeled in part: "Nature's Best * * * Pure Strawberry [or "Raspberry"] Preserves Atlantic Food Products Co. Philadelphia." The jams were labeled in part: "Nature's Best 2 Lbs. Net Wt. Imitation Peach [or "Pineapple", "Apricot", "Strawberry", or "Raspberry"] Jam

Packed By Atlantic Presv'g Co. Philadelphia", the word "imitation" appearing in much smaller type than the words "Peach Jam", "Pineapple Jam, etc."

The preserves were alleged to be adulterated in that excessive amounts of sugar and water, in some instances, pectin, and in other instances, pectin and acid, had been mixed and packed with the articles so as to reduce, lower, and injuriously affect their quality; in that substances, namely, mixtures of fruit, sugar, and water, in some instances containing pectin, and in others, pectin and acid, and containing less fruit than is contained in preserves, had been substituted for strawberry and raspberry preserves, which the articles purported to be; and in that they had been mixed in a manner whereby inferiority was concealed.

Misbranding of the preserves was alleged for the reason that the statements, "Nature's Best Pure Strawberry [or "Raspberry"] Preserves", borne on the label, were false and misleading; for the further reason that the articles were labeled so as to deceive and mislead the purchaser; and for the further reason that they were offered for sale under the distinctive names of other articles. Misbranding of the jams was alleged for the reason that the statements, "Nature's Best * * * imitation Peach [or "Pineapple", "Apricot", "Strawberry", "Raspberry"] Jam", borne on the labels, were false and misleading, and for the further reason that the articles were labeled so as to deceive and mislead the purchaser, in that the statements in large conspicuous type, "Nature's Best Peach (etc) Jam", overshadowed the inconspicuous small-type word "imitation" in such manner that the articles were represented to be fruit jams; whereas they were imitations and the word "imitation" was not in an equal and as prominent size type as the name of the fruit. Misbranding of the jams was alleged for the further reason that the statement "2 Lbs. Net Wt." was false and misleading; for the further reason that they were labeled so as to deceive and mislead the purchaser; and for the further reason that they were food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages, since each of a number of the jars contained less than so declared.

On October 30, 1934, a plea of nolo contendere was entered on behalf of the defendant, and the court suspended sentence and placed the defendant on probation for 30 days.

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

23156. Adulteration and misbranding of preserves; and misbranding of cranberry jelly. U. S. v. P. Harold & Sons, Inc. Plea of nolo contendere. Defendant placed on probation. (F. & D. no. 32106. Sample nos. 38087-A to 38095-A, incl., 38176-A to 38182-A, incl., 38188-A to 38194-A, incl.)

This case was based on various shipments of preserves which were short weight or which contained less fruit than preserves should contain, a majority of the lots being in violation of the law in both respects. Added water, pectin, and acid were found in certain of the preserves. There was also included one lot of cranberry jelly that was short weight. The net weight was not declared in proper form since it was not made in terms of the largest unit. One lot was in jars of 2-pound size, contained less than 2 pounds, and was labeled "12 Ounces."

On July 25, 1934, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court an information against P. Harold & Sons, Inc., a corporation, Philadelphia, Pa., alleging shipment by said company, in violation of the Food and Drugs Act as amended, between the dates of November 1, 1932, and April 15, 1933, from the State of Pennsylvania into the State of New Jersey, of quantities of preserves and cranberry jelly which were misbranded, the majority of the various lots of preserves being also adulterated. The preserves were labeled in part: "Kulp's J. W. K. Pure Preserves Blackberry [or "Strawberry", "Red Raspberry", "Cherry", or "Peach"] Net Weight 16 Oz. [or "32 Ozs." or "12 Ozs."] Kulp Preserving Co. [or "P. Harold & Sons, Inc."] Philadelphia, Pa." The cranberry jelly was labeled in part: "Kulp's Pure Jelly Cranberry Contents 18 ounces, Kulp Preserving Co."

The information charged adulteration of certain of the preserves in that products containing less fruit than preserves contain, and in some instances containing added water, pectin, and tartaric acid, had been substituted for strawberry, raspberry, cherry, or peach preserves; and in that they had been mixed in a manner whereby inferiority was concealed.