

23930. Adulteration of canned turnip greens. U. S. v. 33 Cases of Canned Turnip Greens. Default decree of condemnation and destruction. (F. & D. no. 33266. Sample no. 6263-B.)

This case involved a shipment of canned turnip greens that were sour and decomposed.

On or about August 22, 1934, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 33 cases of canned turnip greens at Jacksonville, Fla., alleging that the article had been shipped in interstate commerce, on or about December 16, 1931, by the Pomona Products Co., from Griffin, Ga., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Georgia Belle Brand Turnip Greens * * * Packed by Pomona Products Co. Griffin, Ga."

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

23931. Misbranding of canned spinach. U. S. v. 400 Cases of Canned Spinach. Decree of condemnation. Product released for re-labeling. (F. & D. no. 33267. Sample nos. 5201-B, 14403-B.)

Sample cans of spinach taken from the shipment involved in this case were found to contain less than 11 ounces, the weight declared on the label. The statement of the quantity of the contents was inconspicuous.

On August 16, 1934, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 400 cases of canned spinach at Somerville, Mass., alleging that the article had been shipped in interstate commerce on or about March 23 and May 2, 1934, by the Santa Cruz Fruit Packing Co., from Oakland, Calif., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Can) "Santa Cruz Brand California Spinach Net Weight 11 Oz. Packed by Santa Cruz Fruit Packing Co. Oakland, California."

The article was alleged to be misbranded in that the statement on the label "Net Weight 11 Oz.", was false and misleading and tended to deceive and mislead the purchaser; and 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, since the statement made was not plain and conspicuous and was not correct.

On August 29, 1934, the Santa Cruz Fruit Packing Co., Oakland, Calif., having appeared as claimant and having admitted the allegations of the libel, judgment of condemnation was entered. The claimant having paid costs and deposited \$3,400 in lieu of bond, to insure compliance with the decrees of the court, it was ordered that the product be released and correctly labeled.

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

23932. Adulteration and misbranding of brandy. U. S. v. 116 Bottles and 120 Bottles of Brandy. Default decrees of condemnation. (F. & D. nos. 33278, 33290. Sample nos. 4694-B, 4700-B.)

These cases involved domestically manufactured pomace brandy which was labeled to convey the impression that it was real brandy of foreign origin. The article contained less alcohol than declared and was also falsely labeled as to the name of the manufacturer.

On August 17, 1934, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the District of Columbia, holding a district court, a libel praying seizure and condemnation of 116 bottles of brandy at Washington, D. C., alleging that the article had been shipped in interstate commerce on or about July 30, 1934, by the Georges Roualet Wines Corporation, from Hammondsport, N. Y., into the District of Columbia. On August 22, 1934, a libel was filed against 120 bottles of brandy at Washington, D. C., alleging that the article was being sold and offered for sale in the District of Columbia in the possession of H. A. Schulte, Washington, D. C. The libels further alleged that the article was adulterated and misbranded in violation of the Food and Drugs Act. The article was labeled in part: "Michel et Cie 90 Proof Brandy Bottled at the Distillery for A. Schulte, New York." The Internal Revenue stamp on one lot bore the statement "Georges Roualet Wines Corp., Hammondsport, N. Y."