

24463. Adulteration of butter. U. S. v. 47 Barrels of Butter. Consent decree of condemnation. Product released under bond conditioned that it be denatured. (F. & D. no. 32620. Sample no. 67210-A.)

This case involved an interstate shipment of butter which was found to contain flies, spiders, and other insects; maggots; rodent and human hairs; mold; and miscellaneous filth.

On February 24, 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 47 barrels of butter at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about November 25, 1933, by the Cloverleaf Butter Co., of Birmingham, Ala., from Charleston, S. C., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Tag) "Cloverleaf Butter Co. * * * Birmingham, Ala."

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

On March 6, 1935, the Cloverleaf Butter Co., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be released to the claimant under bond conditioned that it be denatured and converted into soap grease.

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

24464. Adulteration of canned shrimp. U. S. v. 7 Cases and 6 Cases of Canned Shrimp. Default decree of condemnation and destruction. (F. & D. no. 33697. Sample nos. 6394-B, 6395-B.)

This case involved interstate shipments of canned shrimp which was in part decomposed.

On October 18, 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 13 cases of canned shrimp at Wilkes-Barre, Pa., alleging that the article had been shipped in interstate commerce on or about September 5 and September 12, 1934, by the Nassau Packing Co., from Jacksonville, Fla., and charging adulteration in violation of the Food and Drugs Act. A portion of the article was labeled: "Florida Chief Brand Nassau Shrimp * * * Packed by The Nassau Packing Co. S. S. Goffin Jacksonville, Fla." The remainder was labeled: "St. Johns Brand Fresh Shrimp * * * The Nassau Sound Packing Co. Nassauville, Fla."

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

On February 18, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

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

24465. Misbranding of canned tomatoes. U. S. v. 1,000 Cases of Canned Tomatoes. Consent decree of condemnation. Product released under bond. (F. & D. no. 35295. Sample no. 28140-B.)

This case involved an interstate shipment of canned tomatoes which fell below the standard established by this Department, and which were not labeled to show that they were substandard.

On March 22, 1935, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 1,000 cases of canned tomatoes at St. Louis, Mo., alleging that the article had been shipped in interstate commerce on or about February 8, 1935, by the Fettig Canning Co., from Elwood, Ind., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Mary's Choice Brand Extra Standard Tomatoes * * * Packed by Fettig Canning Co. Elwood, Ind."

The article was alleged to be misbranded in that the statement "Extra Standard", borne on the label, was false and misleading and tended to deceive and mislead the purchaser, since the product was not extra standard, but was substandard. Misbranding was alleged for the further reason that the article was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture for such canned food, because it was not whole or in large pieces as evidenced by low drained weight, and its package or label did not bear a plain and conspicuous statement prescribed by the Secretary of Agriculture indicating that it fell below such standard.