

24562. Adulteration of canned tuna. U. S. v. 99 Cartons of Canned Tuna. Tried to a jury. Verdict for the Government. Decree of condemnation and destruction. (F. & D. no. 33247. Sample nos. 47947-A, 686-B.)

This case involved an interstate shipment of canned tuna which was in part decomposed.

On August 13, 1934, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 99 cartons of canned tuna at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about May 5, 1934, by a shipper unknown, from Los Angeles, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Belle Isle Brand Fancy Solid Packed Tuna Net Weight Seven Oz Packed in High Grade Cottonseed Oil by French Sardine Co Inc Terminal Island."

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

On April 16, 1935, a claim having been interposed by the French Sardine Co., Terminal Island, Calif., and the case having been tried to a jury, verdict for the Government was returned. On April 13, 1935, judgment was entered condemning the product and ordering its destruction.

W. R. GREGG, *Acting Secretary of Agriculture.*

24563. Adulteration and misbranding of canned shrimp. U. S. v. 100 Cartons of Canned Shrimp. Default decree of condemnation and destruction. (F. & D. no. 33634. Sample no. 11366-B.)

This case involved canned shrimp which was in part decomposed.

On October 22, 1934, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 100 cartons of canned shrimp at Portland, Oreg., alleging that the article had been shipped in interstate commerce on or about September 19, 1934, by the Robinson Canning Co., Inc., from New Orleans, La., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Barataria Shrimp * * * Packed by Robinson Canning Co., Inc., New Orleans, La."

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

Misbranding was alleged for the reason that the statements on the label, "The shrimp contained in this can are absolutely free from adulteration; * * * are guaranteed to pass any state or national pure food law inspection", were false and misleading and tended to deceive and mislead the purchaser.

On May 1, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

24564. Adulteration and misbranding of butter. U. S. v. 4 Cases of Print Butter. Consent decree of condemnation and sale. (F. & D. no. 31118. Sample no. 40341-A.)

This case involved an interstate shipment of butter that contained less than 80 percent of milk fat.

On August 25, 1933, the United States attorney for the Northern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of four cases of print butter at Hammond, Ind., alleging that the article had been shipped in interstate commerce on or about August 9, 1933, by the Sugar Creek Creamery Co., from Danville, Ill., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Pure Butter * * * Packed for Nation-Wide Stores Co., St. Louis, Mo."

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as provided by the act of Congress of March 4, 1923.

Misbranding was alleged for the reason that the article was labeled "Butter", which was false and misleading, since it contained less than 80 percent of milk fat.

On November 29, 1933, in accordance with a stipulation entered into between the United States attorney and the intervenor, the Sugar Creek Creamery Co., judgment was entered ordering that samples from each case be withdrawn for