

oysters at Paris, Tenn., 114 cartons at McKenzie, Tenn., 189 cartons at Union City, Tenn., and 197 cartons at Martin, Tenn.; alleging that the article had been shipped in interstate commerce on or about January 14, 1939, by Gibbs & Co., Inc., from Biloxi, Miss., to Paducah, Ky., thence to the towns and cities aforesaid; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Bull Head Brand Oysters, Gibbs & Co., Inc., Distributors, Baltimore, Md."

It was alleged to be adulterated in that shell fragments had been mixed and packed with it so as to reduce and lower its quality, and had been substituted wholly or in part for oysters; and in that it contained an added deleterious ingredient, oyster shell fragments, which might have rendered it injurious to health.

On March 25, 1939, the Mavar Shrimp & Oyster Co. Ltd., Biloxi, Miss., having appeared and filed a motion that it be allowed to take samples for reexamination so as to determine whether they could be salvaged, it was ordered that the claimant be permitted to take such samples, also that the Government might take similar samples. On September 6, 1939, no answer or defense to the libels having been made, judgments of condemnation were entered and the product was ordered destroyed.

GROVER B. HILL, *Acting Secretary of Agriculture.*

80920. Misbranding of peanut butter. U. S. v. Texas Peanut Products Co., Inc.
Plea of guilty. Fine, \$80. (F. & D. No. 42746. Sample Nos. 36898-D, 36901-D, 36902-D, 36903-D.)

This product was short weight.

On October 11, 1939, the United States attorney for the Southern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Texas Peanut Products Co., Inc., Houston, Tex., alleging shipment by said defendant in violation of the Food and Drugs Act as amended, within the period from on or about October 24, 1938; to on or about January 18, 1939, from the State of Texas into the State of Oklahoma, of quantities of peanut butter which was misbranded. Portions were labeled in part: (Jars) "Dandy Boy Brand [or "Everbest"] Peanut Butter * * * Texas Peanut Products Co." The remainder was labeled in part: "Huck Finn Brand Peanut Butter * * * Packed For Huck Finn Products Co. Houston, Texas."

The article was alleged to be misbranded in that the statements, "Net Wt. 32 Oz.," "Contents 24 Oz.," "Net Weight 24 Oz.," and "Net Weight 40 Oz.," borne on the jars, were false and misleading and were borne on said jars so as to deceive and mislead the purchaser, since the jars contained less than the amount stated. Further misbranding was alleged in that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages.

On November 9, 1939, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$80.

GROVER B. HILL, *Acting Secretary of Agriculture.*

80921. Adulteration of maple sirup. U. S. v. 61 Drums of Maple Sirup (and 1 other seizure action against maple sirup). Product ordered released under bond to be deleaded. (F. & D. Nos. 45522, 45534, 45535, 45536. Sample Nos. 68990-D to 68993-D, inclusive.)

This product contained lead.

On June 27 and July 5, 1939, the United States attorney for the District of Vermont, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 247 drums of maple sirup at Burlington, Vt.; alleging that the article had been shipped by United Maple Products, Ltd., from Morrisette, Quebec, Canada, on or about June 8, 1939; and charging adulteration in violation of the Food and Drugs Act.

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

On July 6 and 7, 1939, decrees were entered ordering that the product be released to the claimant upon the execution of a bond conditioned that it be deleaded under the supervision of this Department.

GROVER B. HILL, *Acting Secretary of Agriculture.*