

13441. Adulteration of canned salmon. U. S. v. 226 Cases of Canned Salmon. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 18181. I. S. No. 7329-v. S. No. C-4230.)

On December 18, 1923, the United States attorney for the Northern District of Mississippi, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 226 cases of canned salmon, remaining in the original unbroken packages at Corinth, Miss., alleging that the article had been shipped by the Canoe Pass Packing Co., from Seattle, Wash., on or about August 25, 1923, and transported from the State of Washington into the State of Mississippi, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Headlight Brand Chum Salmon Packed By Alaska Salmon & Herring Packers, Inc. Tyee, Alaska. Main Office, Seattle, U. S. A."

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of a filthy, decomposed, and putrid animal substance.

On April 7, 1925, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

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

13442. Adulteration and misbranding of canned oysters. U. S. v. Shelmore Oyster Products Co. Plea of nolo contendere. Fine, \$25. (F. & D. No. 19239. I. S. Nos. 10298-v, 10299-v.)

On February 12, 1925, the United States attorney for the Eastern District of South Carolina, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Shelmore Oyster Products Co., a corporation, Charleston, S. C., alleging shipment by said company, in violation of the food and drugs act as amended, in two consignments, namely, on or about November 2 and 7, 1923, respectively, from the State of South Carolina into the State of Georgia, of quantities of canned oysters which were adulterated and misbranded. The article was labeled in part: "Oysters * * * Contains 5 Oz. Oyster Meat."

Examination by the Bureau of Chemistry of this department of a sample of 24 cans from each of the consignments showed an average net weight of 4.77 ounces and 4.87 ounces of oyster meat, respectively.

Adulteration of the article was alleged in the information for the reason that a substance, to wit, liquor, had been substituted in part for oyster meat, which the article purported to be.

Misbranding was alleged for the reason that the statement, to wit, "Contains 5 Oz. Oyster Meat," borne on the cans containing the article, was false and misleading, in that the said statement represented that each of the said cans contained 5 ounces of oyster meat, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of the said cans contained 5 ounces of oyster meat, whereas each of said cans did not contain 5 ounces of oyster meat but a number of the cans contained less than 5 ounces of oyster meat. Misbranding was alleged for the further reason 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 package.

On June 3, 1925, a plea of nolo contendere to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25.

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

13443. Adulteration of canned cherries. U. S. v. 24 Cases of Canned Cherries. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 19548. I. S. No. 16276-v. S. No. E-5115.)

On or about February 10, 1925, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 24 cases of canned cherries, at St. Petersburg, Fla., alleging that the article had been shipped by the Egypt Canning Co., from Fairport, N. Y., on or about October 31, 1924, and transported from the State of New York into the State of Florida, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Pride Of Egypt Brand Red Sour Pitted Cherries * * * Egypt Canning Co., Inc. Egypt, N. Y."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole and in part of a filthy, decomposed, and putrid vegetable substance.

On April 27, 1925, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

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

13444. Alleged misbranding of coffee. U. S. v. National Tea Importing Co. Tried to the court and a jury. Verdict of not guilty. (F. & D. No. 19591. I. S. Nos. 12295-v, 12296-v.)

On March 11, 1925, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the National Tea Importing Co., a corporation, Salt Lake City, Utah, alleging shipment by said company, in violation of the food and drugs act as amended, on or about July 18, 1924, from the State of Utah into the State of Nevada, of quantities of coffee which was alleged to be misbranded. A portion of the article was labeled in part: "One Pound Net Shamrock Velvet Hotel And Cafe Coffee Roasted And Blended By National Tea Importing Co. Salt Lake City, Utah." The remainder of the said article was labeled in part: "Shamrock Guaranteed By National Tea Importing Co. Salt Lake City, Utah. Food Products Coffee."

Examination by the Bureau of Chemistry of this department of a number of the packages labeled "One Pound Net" showed that the average net weight of 30 packages was 15.73 ounces.

Misbranding was alleged with respect to a portion of the product for the reason that the statement "One Pound Net," borne on the packages containing the said portion, was false and misleading, in that it represented that the said packages each contained 1 pound of coffee, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the said packages each contained 1 pound of coffee, whereas they did not each contain 1 pound of coffee but did contain a less amount. Misbranding was alleged with respect to both lots of the said article for the reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages.

On May 11, 1925, the case came on for trial before the court and a jury on an agreed statement of facts. After arguments by counsel were made and the instructions of the court were delivered, the jury retired and after due deliberation returned a verdict of not guilty.

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

13445. Adulteration and misbranding of vanillin. U. S. v. Hymes Bros. Co. Plea of guilty. Fine, \$100. (F. & D. No. 19615. I. S. Nos. 16928-v, 18251-v.)

At the June, 1925, term of the United States District Court within and for the Southern District of New York, the United States attorney for said district, acting upon a report by the Secretary of Agriculture, filed in the district court aforesaid an information against the Hymes Bros. Co., a corporation, New York, N. Y., alleging shipment by said company, in violation of the food and drugs act, on or about May 3, 1924, from the State of New York into the State of Louisiana, and on or about June 17, 1924, from the State of New York into the State of Massachusetts, of quantities of vanillin which was adulterated and misbranded. The article was labeled in part: "Vanillin Chemically Pure Hymes Bros. Co. New York."

Analyses by the Bureau of Chemistry of this department of a sample from each of the consignments showed that the said samples contained 11.5 per cent and 8.9 per cent, respectively, of acetanilid.

Adulteration of the article was alleged in the information for the reason that a substance, to wit, acetanilid, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and strength, and had been substituted in part for vanillin, which the said article purported to be. Adulteration was alleged for the further reason that the article contained an added poisonous and deleterious ingredient, to wit, acetanilid, which might have rendered it injurious to health.

Misbranding was alleged for the reason that the statement, to wit, "Vanillin Chemically Pure," borne on the packages containing the article, was false and misleading, in that it represented that the said article was pure vanillin, and for the further reason that it was labeled as aforesaid so as to deceive and