

United States Department of Agriculture

SERVICE AND REGULATORY ANNOUNCEMENTS

BUREAU OF CHEMISTRY

SUPPLEMENT

N. J. 13501-13550

[Approved by the Acting Secretary of Agriculture, Washington, D. C., October 10, 1925]

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the food and drugs act]

13501. Adulteration of canned salmon. U. S. v. 250 Cases of Salmon. Consent decree of condemnation and forfeiture. Product released under bond to be reconditioned. (F. & D. No. 19068. I. S. No. 6258-v. S. No. C-3020.)

On October 17, 1924, the United States attorney for the Eastern District of Texas, 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 250 cases of salmon, remaining in the original unbroken packages at McKinney, Tex., alleging that the article had been shipped by the Carlisle Packing Co., from Seattle, Wash., September 4, 1924 (1923), and transported from the State of Washington into the State of Texas, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Heron Brand Pink Salmon * * * Distributed by Carlisle Packing Co. Seattle, Wash."

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 March 6, 1925, the Carlisle Packing Co., Seattle, Wash., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$250, in conformity with section 10 of the act, conditioned in part that it be salvaged and reconditioned in accordance with law.

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

13502. Adulteration and misbranding of butter. U. S. v. Joseph A. Long, Florence Colclessor, John Heddington, Dan Ashcraft, and Lou Smith (J. A. Long Co.). Pleas of guilty. Fine, \$300 and costs. (F. & D. No. 19271. I. S. Nos. 2233-v, 2326-v, 2327-v.)

On May 15, 1925, the grand jurors of the United States within and for the District of Indiana, acting upon a report by the Secretary of Agriculture, upon presentment by the United States attorney for said district, returned in the District Court of the United States for the district aforesaid an indictment against Joseph A. Long, Florence Colclessor, John Heddington, Dan Ashcraft, and Lou Smith, trading as J. A. Long Co., Union City, Ind., charging shipment by said defendants, in violation of the food and drugs act, in various consignments, namely, on June 7 and 30, and August 9, 1923, respectively, from the State of Indiana into the State of New York, of quantities of butter which was adulterated and a portion of which was also misbranded. One shipment was contained in packages labeled in part: "Pure Creamery Butter." Two shipments of the said article was contained in tubs and was billed or invoiced as butter.

Analyses of samples of the article by the Bureau of Chemistry of this department showed that the said samples averaged 16.25 per cent, 16.44 per cent, and 15.86 per cent, respectively, of moisture and 79.17 per cent, 78.96 per cent, and 79.93 per cent, respectively, of milk fat.

Adulteration of the article was charged in the information for the reason that a product deficient in milk fat and containing an excessive amount of moisture had been substituted for butter, which the said article purported to be, and for the further reason that a product which contained less than 80 per cent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 per cent of milk fat, as prescribed by the act of March 4, 1923.

Misbranding of the portion of the product contained in packages was charged for the reason that the statement, to wit, "Pure Creamery Butter," borne on the said packages, was false and misleading, in that the said statement represented that the article consisted wholly of pure creamery butter, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it consisted wholly of pure creamery butter, whereas it did not so consist but did consist of a product deficient in milk fat and containing an excessive amount of moisture. Misbranding of the said portion of the product was charged for the reason that the statement, to wit, "Butter," borne on the packages, was false and misleading in that it represented that the article was butter, to wit, a product which should contain not less than 80 per cent by weight of milk fat, as prescribed by the act of March 4, 1923, whereas it was a product which did not contain 80 per cent by weight of milk fat but did contain a less amount.

On June 2, 1925, the defendants entered pleas of guilty to the indictment, and the court imposed a fine of \$300 and costs.

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

13503. Adulteration and misbranding of olive oil and misbranding of salad oil. U. S. v. Nathan Yohalem and Joseph Diamond (Yohalem & Diamond). Pleas of guilty. Fine, \$100. (F. & D. No. 16957. I. S. Nos. 6412-t, 6413-t, 6414-t, 6611-t, 6612-t, 6613-t, 6684-t, 6685-t, 6686-t, 8074-t, 8075-t, 8100-t.)

On March 21, 1923, 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 of the United States for said district an information against Nathan Yohalem and Joseph Diamond, copartners, trading as Yohalem & Diamond, New York, N. Y., alleging shipment by said defendants, in violation of the food and drugs act, in various consignments, namely, on or about April 21, 1921, from the State of New York into the State of New Jersey, on or about May 10 and 23, 1921, respectively, from the State of New York into the State of Connecticut, and on or about May 21, 1921, from the State of New York into the State of Pennsylvania, of quantities of olive oil which was adulterated and misbranded, and on or about May 21, 1921, from the State of New York into the State of Pennsylvania, of a quantity of salad oil which was misbranded. The olive oil was labeled in part: (Can) "Olio Puro D'Oliva * * * Pure Olive Oil White Star Brand Net Contents One Half Gallon" (or "Net Contents One Full Gallon" or "Net Contents One Full Quart" or "Net Contents One Quarter Gallon" or "Net Contents One Eighth Gallon"). Respective portions of the said olive oil were further labeled "White Star Olive Oil Co. Lucca, Italy. N. Y. U. S. A. Y. D." or "Yohalem & Diamond Importers & Packers Lucca, Italy & N. Y.," as the case might be. The salad oil was labeled in part: (Can) "La Tosca Brand Winter Pressed Cotton Salad Oil Flavored With High Grade Genuine Olive Oil. A Compound Net Contents 1 Gallon."

Analyses of samples of the olive oil by the Bureau of Chemistry of this department showed that the said samples contained cottonseed oil. Examination of said olive oil showed that the gallon and half-gallon cans contained less than declared. Analysis of a sample of the salad oil showed that it consisted chiefly, if not entirely, of cottonseed oil. Examination of said salad oil showed that the cans contained less than 1 gallon of the product.

Adulteration of the olive oil was alleged in the information for the reason that cottonseed oil had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and strength and had been substituted in whole or in part for olive oil, which the said article purported to be.