

**17442. Adulteration of canned salmon. U. S. v. 321 Cases of Canned Salmon. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24166. I. S. Nos. 09949, 019277. S. No. 2377.)**

Samples of canned salmon from the shipment herein described having been found to be decomposed, the Secretary of Agriculture reported the facts to the United States attorney for the Western District of Washington.

On December 19, 1929, the United States attorney filed in the District Court of the United States for said district a libel praying seizure and condemnation of 321 cases of canned salmon, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the Copper River Packing Co., from Port Nellie Juan, Alaska, August 16, 1929, and transported from Alaska into the State of Washington, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a decomposed animal substance.

On April 16, 1930, the Copper River Packing Co., Seattle, Wash., claimant, having admitted the allegations of the libel 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 costs and the execution of a bond in the sum of \$1,000, conditioned in part that it be sorted under the supervision of this department and the portion found not adulterated released and the remainder destroyed.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**17443. Adulteration of grapefruit. U. S. v. 348 Boxes of Grapefruit. Product released under bond to be salvaged. (F. & D. No. 24548. I. S. No. 018528. S. No. 2871.)**

A large part of the grapefruit herein described having been found to be dry, the Secretary of Agriculture reported the matter to the United States attorney for the District of Utah.

On February 19, 1930, the said United States attorney filed in the United States District Court for said district a libel praying seizure and condemnation of 348 boxes of grapefruit, alleging that the article had been shipped by Wade and Newton from McAllen, Tex., on or about February 19, 1930, in interstate commerce into the State of Utah, that it remained in the original unbroken packages at Salt Lake City, Utah, and that it was adulterated in violation of the food and drugs act. The article was labeled in part: "Marsh Seedless Wade & Newton Brand Grapefruit \* \* \* Packed and shipped by Wade & Newton \* \* \* San Benito, Texas."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a decomposed vegetable substance; in that frost-damaged citrus fruit had been substituted for edible citrus fruit, which the said article purported to be; and in that a valuable constituent, juice, had been wholly or in part abstracted.

On February 28, 1930, Franklin R. Smith, Salt Lake City, Utah, having filed a claim and answer admitting the allegations of the libel, and having paid costs and executed a bond in the sum of \$1,500, on motion of the United States attorney judgment was entered ordering that the product be delivered to the said claimant to be sorted and salvaged, under the supervision of this department, and the portion found sound released, and the frost-damaged and adulterated portion destroyed or disposed of according to law.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**17444. Adulteration of cheese. U. S. v. 30 Boxes of Cheese. Default decree of forfeiture and destruction. (F. & D. No. 24516. I. S. No. 031004. S. No. 2813.)**

Samples of cheese from the herein described shipment having been found to contain excessive moisture, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Wisconsin.

On February 12, 1930, the United States attorney filed in the District Court of the United States for said district a libel praying seizure and condemnation of 30 boxes of cheese, remaining in the original unbroken packages at Brodhead, Wis., alleging that the article had been shipped by the Redfern Cheese Co., from Warren, Ill., on October 10, 1929, and transported from the State of Illinois into the State of Wisconsin, and charging adulteration in violation of the food and drugs act.

It was alleged in substance in the libel that the article was adulterated in that excessive moisture had been mixed and packed with the said article, so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted wholly or in part for American cheese.

On March 26, 1930, no claimant having appeared for the property, judgment of forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**17445. Misbranding of Health coffee. U. S. v. 20 Dozen Small-Sized Cans, et al., of Health Coffee. Default decree entered. Product adjudged misbranded. Ordered destroyed. (F. & D. No. 24333. I. S. No. 07173. S. No. 2522.)**

Samples of Health coffee having been found to contain appreciable quantities of tannin and caffeine, and to bear in the labeling certain curative and therapeutic claims which were not justified by its composition, the Secretary of Agriculture reported the facts to the United States attorney for the Southern District of California.

On December 17, 1929, the United States attorney filed in the District Court of the United States for said district a libel praying seizure and condemnation of 20 dozen small-sized cans and 2 dozen large-sized cans of Health coffee, remaining in the original unbroken packages at Los Angeles, Calif., consigned by the Blanke Health Coffee & Tea Co., St. Louis, Mo., alleging that the article had been shipped in interstate commerce from the State of Missouri into the State of California, in various consignments, on or about March 4, March 5, March 7, and September 8, 1929, respectively, and that it was misbranded in violation of the food and drugs act as amended. The article was labeled in part: "Blanke's Refined Health Coffee \* \* \* Blanke Health Coffee & Tea Corp'n., St. Louis."

It was alleged in the libel that the article was misbranded in violation of section 8 of said act, general paragraph, and paragraphs 2 and 4, under food, in that the following statements appearing on the can label and in the accompanying circular were false and misleading and deceived and misled the purchaser: (Labels) "All Toxic Properties have been Practically Eliminated \* \* \* Contains no Appreciable Quantity of Caffeine nor Tannic Acid;" (circulars) "Caffeine reduced approximately 90% Free Tannic Acid practically eliminated \* \* \* Caffeine has been materially reduced and Free Tannic Acid practically eliminated \* \* \* The Medical Fraternity has for time immemorial told their patients to abstain from Coffee \* \* \* There has always been good reason for this, not alone for the harm that exists in Coffee and in two of its main constituents, namely, Caffeine and Tannic Acid, but also the abuse given coffee \* \* \* in its preparation for the table, which increases the danger of these harmful constituents, by irritation to the stomach as well as harm to the general health. \* \* \* without any of the ill effects \* \* \* but the tannic acid and the caffeine are very objectionable and trying to the chilled stomach \* \* \* Its lessened caffeine means that it can be prescribed without the usual restlessness, sleeplessness and other ill effects associated with regular coffee drinking \* \* \* More recent investigation has convinced many doctors, however, that the tannic acid, and not the caffeine, is the real culprit in coffee. As evidence, what doctor will include tannic acid in his prescriptions, but you know how commonly caffeine is included. \* \* \* We quote a physician who wrote recently: 'Some one once said that the caffeine in coffee was injurious and from that day the statement has been repeated by even men of scientific professions, until it has been accepted as fact; but the real truth determined by men who have investigated, by men who have studied and are capable of giving expert opinion relating to coffee, is that it is not caffeine which is so detrimental to human health but that the tannic acid is the real culprit. \* \* \* When ordinary coffee is taken into the stomach the tannic acid which is an astringent, brings almost the same action as a green persimmon when taken into the mouth. The astringent closes the openings of the hydrochloric acid and pepsin glands, and the food therefore can not be digested properly, as the closing of those glands prohibits the mixing of the stomach digestants, and the only solvent would be the coffee itself, a poor substitute. The food when not properly digested, ferments rapidly, liberating gases and thereby producing all the symptoms of acute indigestion with its attendant headache, belching of gas, heart involvements, etc. In