

United States Department of Agriculture

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

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

19401-19450

[Approved by the Secretary of Agriculture, Washington, D. C., December 5, 1932]

19401. Adulteration and alleged misbranding of canned salmon. U. S. v. 981 Cases of Canned Salmon. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24979. I. S. No. 1043. S. No. 3320.)

Samples of canned salmon from the shipment herein described having been found to be decomposed, and the label on the case containing the article having been found to bear unwarranted health claims, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Illinois.

On August 19, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 981 cases of canned salmon at Chicago, Ill., alleging that the article had been shipped by the Farwest Fisheries (Inc.), from Seward, Alaska, on or about July 31, 1930, and had been transported from the Territory of Alaska into the State of Illinois, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Cases) "S/S 23 Canned Salmon Year Round Sea Food Eat More Canned Salmon Nature's Health Insurance."

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy, decomposed, and putrid animal substance.

Misbranding was alleged for the reason that the statement, "Canned Salmon Nature's Health Insurance," was false and misleading. Misbranding was alleged for the further reason that the statement, "Canned Salmon Nature's Health Insurance," borne on the label, was false and fraudulent.

On February 5, 1932, the Farwest Fisheries (Inc.), claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment was entered finding the product adulterated and ordering its condemnation and forfeiture. The decree provided that the product be released to the said claimant, for the purpose of separating the good portion from the bad portion under the supervision of this department, upon payment of costs and the execution of a bond in the sum of \$5,000, conditioned in part that it should not be sold or otherwise disposed of contrary to the provisions of the food and drugs act, or the laws of any State, Territory, district, or insular possession. A further condition of the bond was that the unfit portion of the product be destroyed.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19402. Adulteration and misbranding of butter. U. S. v. Klamath Falls Creamery. Plea of guilty. Fine, \$10. (F & D. No. 26643. I. S. No. 11498.)

Samples of butter from the shipment herein described were found to contain less than 80 per cent by weight of milk fat, the standard prescribed by Congress. Sample cartons were found to contain less than 1 pound, the declared weight.

On October 27, 1931, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the District of Oregon an information against the Klamath Falls Creamery, a corporation, at Klamath Falls, Oreg., alleging shipment by said company in violation of the food and drugs act as amended, on or about March 2, 1931, from the State of Oregon into the State of California, of a quantity of butter that was adulterated and misbranded. The article was labeled in part: "Weight One Pound Crater Lake Butter * * * Manufactured by Klamath Falls Creamery Klamath Falls Oregon."

It was alleged in the information that the article was adulterated in that a product which contained less than 80 per cent by weight of milk fat had been substituted for 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, which the article purported to be.

Misbranding was alleged for the reason that the statements, "Butter" and "Weight One Pound," borne on the packages containing the article, were false and misleading in that they represented that the article was butter, a product which should contain not less than 80 per cent by weight of milk fat as prescribed by law, and that each of the packages contained 1 pound by weight thereof; and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was butter, a product which should contain not less than 80 per cent by weight of milk fat as prescribed by law, and that each of the packages contained 1 pound by weight thereof; whereas it contained less than 80 per cent by weight of milk fat and the packages contained less than 1 pound by weight of the article. 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 October 30, 1931, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$10.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19403. Adulteration and misbranding of canned tomatoes. U. S. v. 49 Cartons of Canned Tomatoes. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25195. I. S. No. 8802. S. No. 3445.)

Examination of samples of canned tomatoes from the shipment herein described showed that the article contained puree, pulp, or juice from skins and cores, also that there was considerable decomposition in the product.

On October 8, 1930, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 49 cartons of the said canned tomatoes, remaining in the original unbroken packages at Olean, N. Y., alleging that the article had been shipped by W. E. Robinson & Co., Federalsburg, Md., September 12, 1930, and had been transported from the State of Maryland into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part, "Robinson Brand Tomatoes * * * Packed for W. E. Robinson & Co., Belair, Md.," and bore a cut showing red ripe tomatoes.

It was alleged in the libel that the article was adulterated in that puree, pulp, or juice had been substituted partly for the said article and had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality or strength. Adulteration was alleged for the further reason that the article consisted partly of a filthy, decomposed, or putrid vegetable substance.

Misbranding was alleged for the reason that the statement "Tomatoes," and the design or device of red ripe tomatoes, appearing on the label, were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article.

On May 15, 1931, 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.

ARTHUR M. HYDE, *Secretary of Agriculture.*