

**25695. Adulteration of canned salmon. U. S. v. 3,256 Cases of Canned Salmon. Decree of condemnation. Product released under bond. (F. & D. no. 36678. Sample nos. 53636-B, 54558-B.)**

This case involved canned salmon which was in part decomposed.

On November 26, 1935, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 3,256 cases of canned salmon at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about August 20, 1935, by the Annette Island Canning Co., from Metlakatla, Alaska, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Select Pink Salmon Kelley Clarke Co. Seattle Distributors."

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed animal substance.

On November 30, 1935, the Annette Island Canning Co., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it should not be disposed of in violation of the Federal Food and Drugs Act.

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

**25696. Adulteration and misbranding of Lemonina E-Z Squeeze and Lemonina Extra Dry. U. S. v. 2 Cases of Lemonina E-Z Squeeze, and other actions. Default decrees of condemnation and destruction. (F. & D. nos. 36668, 37092, 37171. Sample nos. 45947-B, 50484-B, 60737-B.)**

These cases involved shipments of Lemonina E-Z Squeeze, a product consisting essentially of citric acid, and a shipment of Lemonina Extra Dry, apparently the same product dissolved in water, which were represented to be powdered lemon juice and concentrated lemon juice, respectively. Certain packages of the Lemonina E-Z Squeeze were not labeled with a statement of the quantity of the contents.

On November 30, 1935, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of two cases of Lemonina E-Z Squeeze at San Francisco, Calif. On or about January 22 and February 8, 1936, libels were filed against 536 bottles of Lemonina Extra Dry at Hartford, Conn., and 18 cartons of Lemonina E-Z Squeeze at Denver, Colo. The articles had been shipped in interstate commerce from New York, N. Y., two of the shipments having been made in the name of the Lemonina Products Corporation and the remaining shipment by the same form in the name of an agent. The libels alleged that the articles had been shipped between the dates of July 25 and October 3, 1935, and that they were adulterated and misbranded in violation of the Food and Drugs Act as amended. The articles were labeled in part: "Dover Importing Corp. \* \* \* New York, N. Y."

The libels charged adulteration of the Lemonina E-Z Squeeze in that a mixture of citric acid with a trace of citral, with respect to one lot, and a mixture of citric acid with a small amount of essential oil, with respect to the other lot, had been substituted for powdered lemon juice which the article purported to be. Adulteration of the Lemonina Extra Dry was alleged for the reason that a dilute solution of citric acid containing traces of lemon oil had been substituted for concentrated lemon juice which the article purported to be.

Misbranding was alleged for the reason that the statements, "Lemonina \* \* \* Prepared from fresh lemon juice \* \* \* Use like lemon juice for cooking flavoring mixing \* \* \* dissolve contents \* \* \* and use as you would the juice of one lemon", with respect to the Lemonina E-Z Squeeze, and the statements, "Lemonina \* \* \* A product of pure Messina Lemon Concentrate adjusted to the acidity of average lemon juice with ozonated water, stabilized with purified casein. Use in cooking wherever lemon juice is used", with respect to the Lemonina Extra Dry were false and misleading and tended to deceive and mislead the purchaser. Misbranding of the Lemonina Extra Dry was alleged for the further reason that it was an imitation of and was offered for sale under the distinctive name of another article. Misbranding was alleged with respect to certain packages of the Lemonina E-Z Squeeze 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 January 14, April 23, and May 7, 1936, no claimant having appeared, judgments of condemnation were entered and it was ordered that the products be destroyed.

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

**25697. Adulteration and misbranding of chili powder. U. S. v. 6 Cases of Chili Pepper, and other actions. Decrees of condemnation and destruction.** (F. & D. nos. 36696, 36707, 37077, 37078, 37134, 37135, 37276, 37277, 37321. Sample nos. 32472-B, 38575-B, 40717-B, 48205-B to 48208-B incl., 49336-B, 54851-B, 56348-B.)

These cases involved chili powder which contained arsenic in an amount which might have rendered it injurious to health.

On December 2, 1935, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of six cases of chili powder at Seattle, Wash. On December 16, 1935, January 30, February 1, February 28, February 29, March 2, and March 5, 1936, libels were filed against 14 barrels of the product in various lots at Denver, Colo.; Chicago, Ill.; Kansas City, Mo.; Tulsa, Okla.; Milwaukee, Wis.; Memphis, Tenn.; and Louisville, Ky. The libels alleged that the article had been shipped in interstate commerce between the dates of October 29, 1935, and January 15, 1936, in part by Miller Bros. Co., from Wilmington, Garden Grove, and Los Angeles, Calif.; and in part for Miller Bros. Co., from Chicago, Ill., and Kansas City, Mo.; and that it was adulterated and portions were misbranded in violation of the Food and Drugs Act. A portion of the article was labeled in part: "This Product Guaranteed to be Pure and Unadulterated 'Real Best' \* \* \* Pure Mex Chili Pepper New Crop from Miller Bros. Co."

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

Misbranding was alleged with respect to portions of the article for the reason that the statement on the label, "This product guaranteed to be pure and unadulterated", was false and misleading and tended to deceive and mislead the purchaser.

On December 26, 1935, January 27, February 20, March 26, March 31, April 28, April 29, and June 3, 1936, no claim having been entered for the property, judgments of condemnation were entered and it was ordered that the product be destroyed.

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

**25698. Misbranding of vegetable oil. U. S. v. Six 5-Gallon Cans, et al., of Oil. Consent decree of condemnation. Product released under bond for relabeling.** (F. & D. no. 36697. Sample no. 27134-B.)

This case involved cottonseed oil which was labeled to convey the impression that it was olive oil.

On December 6, 1935, the United States attorney for the District of Nevada, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of six 5-gallon cans, 33 gallon cans, 40 half-gallon cans, and 38 quart cans of oil at Winnemucca, Nev., alleging that the article had been shipped in interstate commerce in various shipments between the dates of June 18 and October 15, 1935, by D. F. De Bernardi & Co., from San Francisco, Calif., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Refined Vegetable Oil Olio Marca Romino \* \* \* Packed and Guaranteed by D. De Bernardi & Co. San Francisco."

The article was alleged to be misbranded in that the statements in the Italian language, "Olio Marca Romino" and "Olio Sopraffino Garantito Puro Sotto Qualunque Analisi Chimica", were misleading and tended to deceive the purchaser in the belief that the article was Italian olive oil; whereas it consisted of cottonseed oil.

On February 3, 1936, D. F. De Bernardi & Co., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be relabeled under the supervision of this Department.

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