

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]

27576-27700

[Approved by the Acting Secretary of Agriculture, Washington, D. C., January 11, 1938]

27576. Adulteration of dicalcium phosphate. U. S. v. 360 Jars of Dicalcium Phosphate. Default decree of condemnation and destruction. (F. & D. No. 35775. Sample No. 33320-B.)

This product contained an excessive amount of fluorine.

On July 19, 1935, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 360 jars of dicalcium phosphate at Chicago, Ill., alleging that it had been shipped in interstate commerce on or about May 21, 1935, by Parke, Davis & Co., from Detroit, Mich., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "One Fourth Pound D C P 340 (Dicalcium Phosphate) Parke, Davis & Co., Detroit, Mich."

It was alleged to be adulterated in that it contained an added poisonous and deleterious ingredient, to wit, fluorine, in an amount which might have rendered it injurious to health.

On June 3, 1937, the answer and claim of Parke, Davis & Co., the sole intervenor, having been withdrawn, judgment of condemnation was entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

27577. Adulteration and misbranding of canned shrimp. U. S. v. 9 Cases of Canned Shrimp (and 5 other seizure actions). Default decrees of condemnation and destruction. (F. & D. Nos. 88262, 88300, 88778, 89265, 89331, 89508. Sample Nos. 6596-C, 6604-C, 13797-C, 13798-C, 18843-C, 26318-C, 26332-C.)

This case involved six shipments of canned shrimp five of which were adulterated because of the presence of decomposed shrimp. The sixth lot was misbranded because it fell below the standard of fill of container established by this Department and was not labeled to indicate that it was substandard, which was also true of one of the adulterated lots.

On September 5, 1936, the United States attorney for the Eastern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of nine cases of canned shrimp at Beaumont, Tex.

On September 14 and December 8, 1936, and March 27, April 5, and April 26, 1937, libels were filed against 4 cases of canned shrimp at Beaumont, Tex., 17 cases of the product at Port Arthur, Tex., 180 cases at Chicago, Ill., and 6 cases at Peoria, Ill. The libels alleged that the article had been shipped in interstate commerce between the dates of August 14, 1936, and February 24, 1937, by the L. O. Mays Co., Inc., from New Orleans, La.; and that certain lots were adulterated, one lot was misbranded, and one lot was adulterated and misbranded in violation of the Food and Drugs Act as amended. A portion of the article was labeled, "Doll Baby Brand Dry Pack Shrimp * * * L. C. Mays Co., Inc., Distributors New Orleans, La."; another portion was labeled, "White Oak Brand Small Wet Shrimp Packed for Oakford And Fahnestock, Peoria, Ill." The remainder at the time of shipment was labeled, "Doll Baby Brand," but this label later was removed by the consignee.

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