

**27651. Adulteration of Dicapho Citrate Soluble Calcium and Phosphorus. U. S. v. 200 Sacks, more or less, of Dicapho Citrate Soluble Calcium and Phosphorus. Default decree of condemnation. Product disposed of for fertilizer material. (F. & D. No. 31065. Sample No. 39193-A.)**

This product contained arsenic, lead, and fluorine in amounts which might have rendered it injurious to health.

On September 11, 1933, the United States attorney for the Northern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 200 sacks of the above-described product at Atlanta, Ga. The libel alleged that the article had been shipped in interstate commerce on or about July 26, 1933, by the Myles Salt Co., Ltd., from Weeks Island, La., and that it was adulterated in violation of the Food and Drugs Act. On February 6, 1935, the libel was amended. It was labeled in part: "Dicapho \* \* \* Manufactured by Bay Chemical Co., Inc. (Subsidiary Myles Salt Co., Ltd.) \* \* \* New Orleans, La."

The libel as amended alleged that the article was adulterated in that it contained added poisonous and deleterious ingredients, arsenic, lead, and fluorine, which might have rendered it injurious to health.

On February 24, 1937, the claim and intervention of the Bay Chemical Co. having been dismissed and the cause being in default, judgment of condemnation was entered and it was ordered that the product be relabeled to show that it was unfit for food purposes, and that it be sold by the marshal for fertilizer material.

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

**27652. Adulteration of tomato paste. U. S. v. 355 Cases of Tomato Paste. Default decree of condemnation and destruction. (F. & D. No. 35476. Sample No. 13075-B.)**

This product contained filth resulting from the use of worm- and insect-infested fruit.

On May 10, 1935, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 355 cases of tomato paste at Miami, Fla., alleging that the article had been shipped in interstate commerce on or about April 5, 1935, by Howard Terminal from Oakland, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Can) "Paradise Brand Tomato Paste, \* \* \* Packed by Biscaglia Brothers Canning Co. Main Offices & Packing Plant, San Jose, Cal."

The article was alleged to be adulterated in that it consisted wholly or in part of a filthy vegetable substance.

On July 12, 1937, the answer of Biscaglia Bros. Canning 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.*

**27653. Adulteration of canned salmon. U. S. v. 5,336 Cases of Canned Salmon. Consent decree of condemnation. Product released under bond. (F. & D. No. 36448. Sample Nos. 13201-B, 13203-B, 26744-B, 26746-B.)**

This case involved canned salmon which was in part decomposed.

On September 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 14,431 cases of canned salmon (subsequently amended to read 5,336 cases) at Alameda, Calif., alleging that the article had been shipped in interstate commerce on or about August 5, 1935, by the Alaska Packers Association from Naknek, Alaska, and charging adulteration in violation of the Food and Drugs Act.

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

On April 10, 1937, the Alaska Packers Association, claimant, 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.

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