

30516. Adulteration of canned oysters. U. S. v. 300 Cases of Canned Oysters. Default decree of condemnation and destruction. (F. & D. No. 45016. Sample Nos. 37138-D, 37139-D.)

This product contained sharp pieces of shell that were small enough to be swallowed and were capable of inflicting injury.

On March 11, 1939, 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 300 cases of canned oysters at San Francisco, Calif.; alleging that the article had been shipped in interstate commerce on or about January 11 and 17, 1939, by Burgess Canning Co., Inc., from New Orleans, La.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Jas. V. D. Brand Cove Oysters Distributed by Jas. V. Dunbar, Inc., New Orleans, La."

It was alleged to be adulterated in that small [shell] fragments had been mixed and packed with it so as to reduce or lower its quality and had been substituted in part for oysters, which it purported to be. It was alleged to be adulterated further in that it contained an added deleterious ingredient, oyster shell fragments, which might have rendered it injurious to health.

On May 11, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

30517. Adulteration and misbranding of canned lemon juice, lime juice, and orange juice. U. S. v. 12 Cases of Lemon Juice (and 4 other seizure actions against similar products). Default decrees of condemnation and destruction. (F. & D. Nos. 44917 to 44921, inclusive. Sample Nos. 59282-D, 59284-D, 59285-D, 59286-D, 59289-D, 59290-D, 59291-D.)

These products, which had been shipped in interstate commerce and remained unsold and in the original packages at the time of examination, were found to contain enamel lining from the cans. Some lots contained added water, and the labeling of all lots bore false and fraudulent health claims.

On March 1 and March 10, 1939, the United States attorney for the District of New Jersey and the Southern District of New York, acting upon reports by the Secretary of Agriculture, filed in the district courts libels praying seizure and condemnation of 251 cases of canned lemon, lime, and orange juices in various lots at Newark, N. J., and New York, N. Y., consigned by Pure Foods Corporation; alleging that the articles had been shipped within the period from on or about June 21, 1936, to on or about February 27, 1938, in various shipments from Los Angeles, Calif., Detroit, Mich., and Minneapolis, Minn.; and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The articles were labeled in part: "Golden Flow Brand."

All lots were alleged to be adulterated in that inedible products containing enamel lining from the container had been substituted for lemon juice, orange juice, and lime juice, which they purported to be. The lime juice and portions of the lemon juice were alleged to be adulterated further in that water had been mixed and packed with them so as to reduce or lower their quality, and in that they had been mixed in a manner whereby inferiority was concealed.

Certain lots were alleged to be misbranded in that the statement "Pure," borne on the label, was false and misleading when applied to articles containing enamel lining from the container. The remaining lots were alleged to be misbranded in that the statements, "Pure Lemon Juice," "Pure Lemon Juice Pure Fruit Acid Added," "Pure Lime Juice," and "Only Choice and Imported Limes used," borne on the labels, were false and misleading when applied to articles that were mixtures of citrus juices and water and which contained enamel lining from the container. All lots were alleged to be misbranded further in that the following statements on the can labels regarding their curative or therapeutic effects were false and fraudulent: (Lemon and lime) "Repels nerve inflammation. Of special value in southern climates to combat disease. An aid to Beauty and Health of skin and scalp when applied externally"; (orange) "Helps to combat germ infection of the mucous membranes. Of particular value in combating acidosis. Stimulates appetite and growth. Prevents scurvy. Nature's aid in obtaining the alkaline balance."

On March 29 and 30, 1939, no claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

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