

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]

19001-19025

[Approved by the Secretary of Agriculture, Washington, D. C., June 22, 1932]

19001. Adulteration and misbranding of flavoring sirups. U. S. v. 10/12 Dozen Bottles of Imitation Apricot Non-Alcoholic Cordial, et al. Default decree of condemnation, forfeiture, and destruction. F. & D. No. 27070. I. S. Nos. 39489, 39490, 39491. S. No. 5265.)

Examination of samples of flavoring sirups showed that the pineapple and raspberry sirups were deficient in fruit and were artificially colored, and that the so-called apricot nonalcoholic cordial was not labeled so as to indicate plainly that it was an imitation.

On October 13, 1931, the United States attorney for the District of Maryland, 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 ten-twelfths dozen bottles of imitation apricot nonalcoholic cordial, 3½ dozen bottles of pineapple sirup, and 1½ dozen bottles of raspberry sirup, remaining in the original unbroken packages at Baltimore, Md., alleging that the articles had been shipped by the L. E. Jung & Wulff Co. (Inc.), from New Orleans, La., on or about June 9, 1931, and had been transported from the State of Louisiana into the State of Maryland, and charging that the apricot nonalcoholic cordial was misbranded and that the pineapple and raspberry sirups were adulterated and misbranded in violation of the food and drugs act. The articles were labeled in part, variously: "Imitation Apricot Non-Alcoholic Cordial A Stimulating Beverage Imitation Flavor and Color * * * L. E. Jung & Wulff Co., Incorporated, New Orleans, La.;" "L. E. Jung & Wulff Co., Inc. Pineapple Syrup [or "Raspberry Syrup Artificial Color"] Vegetable Color * * * Non-Alcoholic High Grade Cordials and Manufacturers of Syrups, New Orleans."

It was alleged in the libel that the pineapple and raspberry sirups were adulterated in that substances deficient in fruit and artificially colored had been mixed and packed with and substituted in part for the articles, and for the further reason that the said articles had been colored in a manner whereby inferiority was concealed.

Misbranding of the said pineapple and raspberry sirups was alleged for the reason that the statements, "Pineapple Syrup" and "Raspberry Syrup," were false and misleading and deceived and misled the purchaser; and for the further reason that the articles were offered for sale under the distinctive names of other articles. Misbranding of the imitation apricot nonalcoholic cordial was alleged for the reason that it was not labeled, branded, or tagged so as to indicate plainly that it was an imitation in that the label failed to bear a clear statement of the principal or essential ingredients composing the article.

On November 16, 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.*

19002. Adulteration of canned salmon. U. S. v. 1,588 Cases, et al., of Canned Salmon. Consent decrees of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 26929, 26969. I. S. Nos. 22331, 22335. S. Nos. 5142, 5185.)

Samples of canned salmon from the shipments herein described having been found to be tainted or stale, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Washington.

On or about September 1 and September 16, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 5,035 cases of canned salmon, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the Kadiak Fisheries Co., from Kodiak, Alaska, in part on or about July 24, 1931, and in part on or about August 15, 1931, and had been transported from Alaska into the State of Washington, and charging adulteration in violation of the food and drugs act. A portion of the article was labeled in part: (Case) "Packed by Kadiak Fisheries Co., Kodiak, Alaska, Seattle, Washington."

It was alleged in the libels that the article was adulterated in that it consisted in whole or in part of a decomposed animal substance.

On November 3, 1931, the Kadiak Fisheries Co., Seattle, Wash., claimant, having admitted the allegations of the libels and having consented to the entry of decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be delivered to the said claimant upon payment of costs and the execution of bonds totaling \$4,500, conditioned in part that it be sorted under the supervision of this department in order to separate the good portion from the decomposed portion, and further conditioned that it should not be sold or otherwise disposed of contrary to the provisions of the Federal food and drugs act, or the laws of any State, Territory, district, or insular possession. The decrees further ordered that upon compliance with the conditions of the bonds, the unadulterated portion be released and the remainder destroyed.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19003. Adulteration of tomato catsup. U. S. v. 46 Cases of Tomato Catsup. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27071. I. S. No. 12606. S. No. 5317.)

Samples of canned tomato catsup from the shipments herein described having been found to contain excessive mold, the Secretary of Agriculture reported the matter to the United States attorney for the District of Idaho.

On October 13, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 46 cases of tomato catsup, remaining in the original unbroken packages at Nampa, Idaho, alleging that the article had been shipped by the Pleasant Grove Canning Co., from Pleasant Grove, Utah, in part on or about October 18, 1930, and in part on or about March 7, 1931, and had been transported from the State of Utah into the State of Idaho, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Pleasant Grove Brand Catsup, * * * Packed by Pleasant Grove Canning Co., Pleasant Grove, Orem, Utah."

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed vegetable substance.

On November 16, 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.*

19004. Misbranding of canned pitted red cherries. U. S. v. 881 Cases of Pitted Red Cherries. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 27068. I. S. No. 35094. S. No. 5289.)

Examination of samples of the product herein described showed that the article was water-packed canned pitted cherries, containing excessive pits, and it was not labeled to show that it was water-packed and substandard, as required by regulations of this department.

On or about October 14, 1931, the United States attorney for the Northern District of Illinois, 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 881 cases of canned pitted red cherries at Chicago, Ill., alleging that the article had been shipped by the Fruit Growers Union Corporation from Sturgeon Bay, Wis., September 4, 1931, and had been transported from the State of Wisconsin into the State of Illinois, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Can) "Sturgeon Bay Brand Pitted Red Cherries * * * Packed by Fruit Growers Canning Co., Sturgeon Bay Wis."