

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.