

26331. Adulteration of canned salmon. U. S. v. 220 Cases of Canned Salmon. Consent decree entered. Product released under bond. (F. & D. 37690. Sample nos. 73223-B, 73252-B.)

This case involved canned salmon that was in part decomposed.

On April 29, 1936, the United States attorney for the District of Idaho, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 220 cases of salmon at Boise, Idaho, alleging that the article had been shipped in interstate commerce on or about September 12, 1935 by the Washington Fish & Oyster Co., from Seattle, Wash., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Bay Beauty Brand Select Alaska Pink Salmon."

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

On June 13, 1936, the Washington Fish & Oyster Co., having appeared as claimant and having consented to the entry of a decree, judgment was entered ordering that the product be released under bond conditioned that it should not be sold or disposed of in violation of the Food and Drugs Act.

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

26332. Adulteration of canned shrimp. U. S. v. 160, 25, and 275 of Canned Shrimp. Default decrees of condemnation and destruction. (F. & D. nos. 37696, 37697, 37698. Sample no. 62037-B.)

These cases involved interstate shipments of canned shrimp that was decomposed.

On April 29, 1936, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 460 cases of canned shrimp at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about February 23 1936, by Rice Bros. Packing Co. (Acme Packing Co.), from Apalachicola, Fla., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Rice Bros. Fancy Florida Shrimp * * * Rice Bros. Packing Co. Packers Apalachicola, Florida."

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

On October 3, 1936, no claimant having appeared, judgments of condemnation were entered and it was ordered that the product be destroyed.

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

26333. Adulteration of lard substitute. U. S. v. 20 Cans and 95 Tubs of Lard Substitute. Decree of condemnation. Product ordered released under bond. (F. & D. no. 37717. Sample no. 68489-B.)

This case involved a lard substitute that was damaged with floodwater.

On May 7, 1936, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 20 cans and 95 tubs of lard substitute at Columbus, Ohio, alleging that the article had been shipped in interstate commerce on or about April 30, 1936 by Capital City Products Co., from Brightwood, Mass., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Cans) "B. B. S. Bakers Shortening * * * Manufactured by the Capital City Products Co., Columbus, Ohio"; (tubs) "Capital City Food Columbus Ohio."

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

On June 30, 1936, the Capital City Products Co., Columbus, Ohio, having appeared as claimant, 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 Food and Drugs Act. The product was used in the manufacture of soap.

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

26334. Misbranding of olive oil. U. S. v. 12 Dozen Bottles of Olive Oil. Default decree of condemnation and destruction. (F. & D. no. 37718. Sample no. 59495-B.)

This case involved olive oil that was short in volume.

On or about June 10, 1936 the United States attorney for the District of Arizona, acting upon a report by the Secretary of Agriculture, filed in the

district court a libel praying seizure and condemnation of 12 dozen bottles of olive oil at Phoenix, Ariz., alleging that the article had been shipped in interstate commerce on or about April 29, 1936, by the Superior Laboratory from Los Angeles, Calif., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Bottle) "Three Star Pure Virgin Olive Oil USP One Pint Pacific Pharmacal Laboratories Los Angeles Calif."

The article was alleged to be misbranded in that the statement on the label, "One Pint", was false and misleading and tended to deceive and mislead the purchaser since it applied to a product in bottles containing less than 1 pint; and in that it was food in package form and the quantity of contents was not plainly and conspicuously marked on the outside of the package, since the quantity stated was incorrect.

On or about September 15, 1936, no claimant having appeared judgment of condemnation was entered and it was ordered that the product be destroyed.

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

26335. Adulteration of flour. U. S. v. 2,000 Sacks of Flood-Damaged Flour. Consent decree of condemnation. Product released under bond. (F. & D. no. 37737. Sample no. 61882-B.)

This case involved flour that was moldy and that was damaged by flood-water.

On May 16, 1936, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 2,000 sacks of flood-damaged flour at Hartford, Conn., alleging that the article had been shipped in interstate commerce on or about March 14, 1936, by the Noblesville Milling Co., from Noblesville, Ind., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Finest F N Stores Fancy Flour First National Stores, Inc., Boston Distributors Superfine 24½ Lbs. Net Bleached."

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

On July 20, 1936, the Tidewater Milling Co., Brooklyn, N. Y., claimant, having admitted the allegations of 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 be disposed of only in compliance with the law, State and Federal.

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

26336. Misbranding of canned shrimp. U. S. v. 83 Cases of Canned Shrimp. Consent decree of condemnation. Product released under bond to be relabeled. (F. & D. no. 37749. Sample no. 65688-B.)

This case involved canned shrimp which was represented to have been produced under supervision of the Food and Drug Administration of this Department, but which was not.

On May 19, 1936, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 83 cases of canned shrimp at Worcester, Mass., alleging that the article had been shipped in interstate commerce on or about January 10, 1936, by the Deer Island Fish & Oyster Co., from Mobile, Ala., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Clover Farm Brand Production Supervised by U. S. Food and Drug Administration Shrimp * * * Clover Farm Stores, Distributors National Headquarters Cleveland, Ohio."

The article was alleged to be misbranded in that the statement on the label, "Production Supervised by U. S. Food and Drug Administration", was false and misleading and tended to deceive and mislead the purchaser since production had not been supervised by the United States Food and Drug Administration.

On July 13, 1936, the Deer Island Fish & Oyster Co., Bayou La Batre, Ala., having appeared as claimant and having admitted the allegations of the libel, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be relabeled.

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