

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]

26526-26725

[Approved by the Acting Secretary of Agriculture, Washington, D. C., April 10, 1937]

26526. Adulteration and misbranding of cheese. U. S. v. Frank Gaybrant, trading as Corticelli & Gaybrant. Plea of guilty. Fine, \$75. (F. & D. no. 36021. Sample no. 27763-B.)

This case involved skim milk cheese containing added starch that had been substituted for Italian grated cheese. The label failed to bear a plain and correct statement of the quantity of the contents.

On November 21, 1935, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Frank Gaybrant, trading as Corticelli & Gaybrant, Newark, N. J., alleging that on or about June 18, 1935, the defendant shipped from Newark, N. J., to the District of Columbia a quantity of cheese that was adulterated and misbranded in violation of the Food and Drugs Act as amended. The article was labeled in part: "Italian Grated Cheese * * * Corticelli & Gaybrant * * * Newark, N. J. Contains 1½ Oz. Packed."

The article was alleged to be adulterated in that skim milk cheese and added starch had been mixed and packed with it so as to reduce and lower and injuriously affect its quality; and in that a product consisting of skim milk cheese and added starch had been substituted for Italian grated cheese composed of a blend of genuine Parmesan and other choice Italian cheeses, which the article purported to be.

The article was alleged to be misbranded in that the statements, "Italian Grated Cheese" and "This Package Contains A Blend of Genuine Parmesan and Other Choice Italian Cheeses", borne on the packages, were false and misleading in that the said statements represented that the article was Italian grated cheese composed of a blend of genuine Parmesan and other Italian cheeses, whereas it was not; in that the statements were borne on the packages so as to deceive and mislead the purchaser; in that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package since the statement "Contains 1½ Oz. Packed" was borne on the package in such small and blurred lettering as to be practically unnoticeable; and in that the quantity of the contents in some of the packages was less than the quantity stated on the label.

On November 27, 1935, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$75.

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

26527. Adulteration of canned salmon. U. S. v. 2,017, 3,170, and 13,220 Cases of Salmon. Portion of product condemned and released under bond; remainder released unconditionally. (F. & D. nos. 36815, 36861, 36874. Sample nos. 53834-B, 53840-B, 53841-B, 54374-B, 54375-B, 54377-B.)

These cases involved canned salmon that was in part decomposed.

On December 19, 23, and 30, 1935, the United States attorney for the Western District of Washington, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 18,407 cases of canned salmon at Bellingham, Wash., alleging that the article had been shipped in interstate commerce between the dates of June 8 and August 20, 1935, by the Pacific American Fisheries, Inc., from Alitak and King Cove, 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 animal substance.