

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]

27751-27875

[Approved by the Acting Secretary of Agriculture, Washington, D. C., February 18, 1938]

27751. Adulteration of canned tuna. U. S. v. 147 Cases and 1,018 Cases of Canned Tuna. Portions of product released unconditionally; remainder condemned and released under bond. (F. & D. No. 37532. Samples Nos. 34784-B, 34795-B, 62725-B.)

This product was in part decomposed.

On April 3, 1936, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 1,165 cases of canned tuna at Baltimore, Md., alleging that the article had been shipped in interstate commerce on or about January 9, 1936, by Cohn-Hopkins, Inc., from San Diego, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Sun Harbor Brand California Tuna * * * Packed by Cohn-Hopkins, Inc., * * * San Diego, California."

It was alleged to be adulterated in that it consisted in whole or in part of a decomposed mineral substance.

On June 29, 1937, upon a petition filed by the claimant, the Sun Harbor Packing Corporation (formerly Cohn-Hopkins, Inc.), the libel was dismissed insofar as the product identified by certain code marks was concerned, and the goods so coded were released. Subsequently three other codes were released unconditionally. On September 20, 1937, judgment of condemnation was entered with respect to the remaining codes and the product so coded, amounting to 258 cases, was ordered released to the claimant under bond conditioned that it should not be disposed of in violation of the Food and Drugs Act.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

27752. Adulteration of canned salmon. U. S. v. Premier Salmon Co. Plea of guilty. Fine, \$25. (F. & D. No. 37937. Sample No. 65136-B.)

This product was in part decomposed.

On September 24, 1936, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Premier Salmon Co., a corporation having a place of business at Seattle, Wash., alleging shipment by said company in violation of the Food and Drugs Act on or about July 28, 1935, from Stevens Creek, Alaska, into the State of Washington of a quantity of canned salmon that was adulterated.

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

On August 10, 1937, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$25 and costs.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

27753. Adulteration and misbranding of olive oil. U. S. v. DeLuca Olive Oil Co., Inc., and Arthur J. Capone. Pleas of guilty. Corporation fined \$2,200 of which \$2,100 was remitted. Arthur J. Capone fined \$1,100 of which \$550 was remitted. (F. & D. No. 38005. Sample Nos. 43866-B, 44160-B, 44161-B, 44162-B, 52160-B, 52161-B, 52162-B, 61024-B, 61025-B, 61205-B, 65607-B to 65613-B, incl., 65626-B, 65627-B, 65710-B, 65712-B, 65713-B, 65714-B, 65841-B, 65878-B, 65879-B, 65880-B, 66017-B, 66039-B, 67402-B to 67408-B, incl.)

This product was adulterated with tea-seed oil.

On February 25, 1937, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in