

## United States Department of Agriculture

### SERVICE AND REGULATORY ANNOUNCEMENTS

#### BUREAU OF CHEMISTRY

#### SUPPLEMENT

N. J. 14001-14054

[Approved by the Acting Secretary of Agriculture, Washington, D. C., May 5, 1926]

#### NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the food and drugs act]

**14001. Adulteration and misbranding of tomato pulp. U. S. v. 20 Cases of Tomato Pulp. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 19474. I. S. No. 3739-v. S. No. E-5102.)

On or about January 15, 1925, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 20 cases of tomato pulp, remaining in the original unbroken packages at Tampa, Fla., alleging that the article had been shipped by the Greco Canning Co., Inc., from San Francisco, Calif., on or about November 1, 1924, and transported from the State of California into the State of Florida, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "De-Luxe Brand Concentrated Tomato Pulp Packed By Greco Canning Co. San Jose, Cal."

Adulteration of the article was alleged in the libel for the reason that a substance, an artificially colored tomato paste or sauce, had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statement "Tomato Pulp," borne on the label, was false and misleading and deceived and misled the purchaser when applied to a tomato sauce containing artificial color not declared upon the label.

On April 27, 1925, 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.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**14002. Adulteration and misbranding of canned oysters. U. S. v. 12 Cases, et al., of Canned Oysters. Consent decrees of condemnation and forfeiture. Product released under bond.** (F. & D. Nos. 20151, 20152, 20153. I. S. No. 24719-v. S. No. C-4755.)

On or about July 7, 17, and 20, 1925, respectively, the United States attorney for the District of South Dakota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 56 cases of canned oysters, remaining in the original unbroken packages in part at Sioux Falls, S. Dak., and in part at Deadwood, S. Dak., alleging that the article had been shipped by the Marine Products Co., from Biloxi, Miss., on or about January 10, 1925, and transported from the State of Mississippi into the State of South Dakota, and charging adulteration and misbranding in violation of the food and drugs act.

Adulteration of the article was alleged in the libels for the reason that a substance, water or brine, had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality or strength and had been substituted wholly or in part for the said article.

It was further alleged in substance in the libels that the article was misbranded, in that the statements, to wit, "Riviera Brand Oysters Contents 5 Oz. Packed By C. B. Foster Packing Co. Inc., Biloxi, Miss.," "Jewett's High Grade Brand Oysters Contents 5 Oz. Avd. Packed For Jewett Bros. & Jewett, Sioux Falls, S. D.," and "Dacotah Brand Oysters Contents 5 Ozs. Packed For Andrew Kuehn Co. Sioux Falls, S. D.," as the case might be, borne on the can labels of respective portions of the product, implied that it was a normal sound product, whereas water or brine had been mixed with and had been substituted wholly or in part for the said article.

On December 10, 1925, the Marine Products Co., Biloxi, Miss., having appeared as claimant for the property 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 released to the said claimant to be relabeled, upon payment of the costs of the proceedings and the execution of good and sufficient bonds, in conformity with section 10 of the act.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**14003. Adulteration and misbranding of cottonseed meal. U. S. v. 250 Sacks of Cottonseed Meal. Product released under bond to be relabeled and sold as fertilizer. (F. & D. No. 18395. I. S. No. 948-v. S. No. E-4740.)**

On February 20, 1924, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 250 sacks of cottonseed meal, remaining in the original unbroken packages at Tampa, Fla., alleging that the article had been shipped by the International Vegetable Oil Co., from Savannah, Ga., on or about November 23, 1923, and transported from the State of Georgia into the State of Florida, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "100 pounds Net Second Class Cotton Seed Meal Manufactured By The International Vegetable Oil Co., Atlanta, Georgia. Guaranteed Analysis: Crude Protein 36% (Equivalent to 7% Ammonia)."

Adulteration of the article was alleged in the libel for the reason that a substance low in protein (ammonia) had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted in whole or in part for the said article.

Misbranding was alleged for the reason that the product was labeled, "Cotton Seed Meal Guaranteed Analysis: Crude Protein 36% (Equivalent to 7% Ammonia)," which statements were false and misleading and deceived and misled the purchaser, since the article was deficient in protein.

On June 2, 1924, the Lucas Bros. Co., Tampa, Fla., having appeared as claimant for the property and having given bond for compliance with the law and order of the court, by relabeling and selling the product as fertilizer, it was ordered by the court that the product be released to the said claimant.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**14004. Adulteration and misbranding of morphine and atropine tablets, fluid extract stramonium leaves, fluid extract nux vomica, tincture cinchona, tincture opium, and fluid extract jaborandi. U. S. v. Irwin, Neisler & Co. Plea of nolo contendere. Fine, \$180. (F. & D. No. 19713. I. S. Nos. 22820-v, 22822-v, 22823-v, 22826-v, 22827-v, 22830-v.)**

On December 11, 1925, the United States attorney for the Southern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Irwin, Neisler & Co., a corporation, Decatur, Ill., alleging shipment by said company, in violation of the food and drugs act, on or about November 1, 1924, from the State of Illinois into the State of Missouri, of quantities of morphine and atropine tablets, fluid extract stramonium leaves, fluid extract nux vomica, tincture cinchona, tincture opium (laudanum), and fluid extract jaborandi, respectively, which were adulterated and misbranded. The articles were labeled in part: "Irwin, Neisler & Co. \* \* \* Decatur, Ill.," and were further labeled as hereinafter set forth.