

20048. Adulteration of bluefins. U.S. v. 5½ Boxes, et al., of Fish. Consent decrees of condemnation and destruction. (F. & D. Nos. 28545, 28550. Sample Nos. 8847-A, 8850-A.)

These cases involved the shipment of two lots of bluefins which, upon examination, were found to be infested with parasitic worms.

On July 28 and July 29, 1932, the United States attorney for the Western District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 11½ boxes of fish, remaining in the original unbroken packages at Pittsburgh, Pa., alleging that the article had been shipped in interstate commerce in part on or about July 23 and in part on or about July 25, 1932, by Sam Johnson & Son's Fisheries, Inc., from Duluth, Minn., to Pittsburgh, Pa., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Dr. Bluefins Sam Johnson & Son's Fisheries, Inc., Duluth, Minnesota."

It was alleged in the libels that the article was adulterated in that it consisted wholly or in part of a filthy, decomposed, or putrid animal substance, and in that it consisted of portions of animals unfit for food.

On July 29 and August 1, 1932, the consignees having consented to the entry of decrees and no other claimant having appeared, judgments of condemnation were entered and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20049. Adulteration of canned salmon. U.S. v. Libby, McNeill & Libby. Plea of guilty. Fine, \$300. (F. & D. No. 28125. I.S. Nos. 12776, 22375, 22501, 22504.)

This case was based on the shipment of quantities of canned salmon, samples of which were found to be tainted or stale.

On August 30, 1932, the United States attorney for the District of Alaska, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against Libby, McNeill & Libby, a corporation, trading at Craig, Alaska, alleging shipment by said company, in violation of the Food and Drugs Act, on or about September 15, 1931, from the Territory of Alaska into the State of Washington, of quantities of canned salmon that was adulterated. A portion of the article was labeled in part: (Can) "Rose-Dale Brand Medium Red Salmon Libby, McNeill & Libby, Chicago." A portion was labeled in part: (Can) "Happy-Vale Brand Pink Salmon * * * Packed For Emery Food Co. Chicago." The remainder was labeled, "JIV" with various code numbers.

It was alleged in the information that the article was adulterated in that it consisted in whole and in part of a filthy, decomposed, and putrid animal substance.

On September 7, 1932, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$300.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20050. Adulteration and misbranding of fountain fruit sirups. U.S. v. Fialla & Eppler, Inc. Plea of guilty. Fine, \$600. (F. & D. No. 28141. I.S. Nos. 20452, 28949, 28950.)

This case was based on the shipment of quantities of sirups that were deficient in fruit juices and that contained undeclared added acid.

On August 3, 1932, 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 of the United States for the district aforesaid an information against Fialla & Eppler, Inc., a corporation, New York, N.Y., alleging shipment by said company in violation of the Food and Drugs Act, on or about June 20, 1930, from the State of New York into the State of New Jersey, and on or about March 2, 1931, from the State of New York into the State of Connecticut, of quantities of fruit sirups that were adulterated and misbranded. The articles were labeled in part: "Sterling Brand * * *. Concentrated Fountain Syrup Strawberry [or "Raspberry"] * * * Prepared by Fialla & Eppler, Inc. New York N.Y."

It was alleged in the information that the articles were adulterated in that sirups deficient in fruit juices and containing undeclared added acid had been substituted for concentrated strawberry and raspberry sirups, which the articles