

**20763. Adulteration of apples. U. S. v. 24,000 Pounds of Apples. Default decree of destruction. (F. & D. no. 29961. Sample no. 35103-A.)**

This case involved an interstate shipment of apples that bore arsenic and lead in amounts that might have rendered them injurious to health.

On February 25, 1933, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States a libel praying seizure and condemnation of 24,000 pounds of apples at Cincinnati, Ohio, consigned by R. A. Watson, receiver, from Neoga, Ill., February 13, 1933, alleging that the article had been shipped in interstate commerce from Neoga, Ill., to Cincinnati, Ohio, and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it contained arsenic and lead, added poisonous or deleterious ingredients.

On February 28, 1933, no claimant having appeared for the property, and the court having found that the product was rapidly deteriorating and was unfit for human consumption, judgment was entered ordering that it be destroyed by the United States marshal.

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

**20764. Misbranding and alleged adulteration of canned shrimp. U. S. v. 34 Cases of Canned Shrimp. Decree of condemnation and forfeiture. Product released under bond. (F. & D. no. 29094. Sample no. 20383-A.)**

This case involved a quantity of canned shrimp that contained excessive brine and was short weight.

On October 19, 1932, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States a libel praying seizure and condemnation of 34 cases of canned shrimp at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce, on or about September 24, 1932, by the Nassau Packing Co., from Jacksonville, Fla., to Philadelphia, Pa., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Musketeer Nassau Shrimp Net Weight Wet Pack 5¾ ozs."

It was alleged in the libel that the article was adulterated in that excessive brine had been substituted in part for the article.

Misbranding was alleged for the reason that the statement "Net Weight \* \* \* 5¾ Ounces", borne on the label, was false and misleading and deceived and misled the purchaser, and for the further reason that the article 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 made was incorrect.

On March 13, 1933, the Nassau Packing Co., Jacksonville, Fla., having appeared as claimant for the property, judgment was entered finding the product misbranded and ordering its condemnation and forfeiture. The decree provided that the product be released to the claimant upon payment of costs and the deposit of cash surety in the sum of \$200, conditioned that it be re-labeled, and should not be sold or disposed of contrary to the Federal Food and Drugs Act and all other laws.

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

**20765. Adulteration of canned salmon. U. S. v. 1,084 Cases of Canned Salmon. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. no. 28958. Sample no. 14646-A.)**

This case involved a quantity of canned salmon that was in part decomposed.

On September 24, 1932, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States a libel praying seizure and condemnation of 1,084 cases of canned salmon at San Francisco, Calif., consigned by Libby, McNeill & Libby, alleging that the article had been shipped in interstate commerce, on or about September 3, 1932, from Seattle, Wash., to San Francisco, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Can) "Happy-Vale Brand Pink Salmon."

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed animal substance.

On March 8, 1933, the Copper River Packing Co., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned that it should not be sold or otherwise disposed of contrary to the provisions of the Federal Food and Drugs Act, and all other laws.

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

**20766. Adulteration of canned sardines. U. S. v. 41 Cases and 30 Cases of Canned Sardines. Default decrees of condemnation, forfeiture, and destruction.** (F. & D. nos. 29652, 29664, 29665, 29666. Sample nos. 16758-A, 16764-A.)

These cases involved an interstate shipment of canned sardines that were in part decomposed.

On or about December 29, 1932, the United States attorney for the Southern District of Texas, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States libels praying seizure and condemnation of 71 cases of canned sardines, in part at Houston, Tex., and in part at Galveston, Tex., alleging that the article had been shipped in interstate commerce on or about October 12, 1932, by the Van Camp Sea Food Co., Inc., from Terminal Island, Calif., into the State of Texas, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Packed by Van Camp Sea Food Company, Inc., Terminal Island, Calif., \* \* \* Van Camp's Sardines."

It was alleged in the libels that the article was adulterated in that it consisted in part of a decomposed and putrid animal substance.

On March 17 and April 11, 1933, no claimant having appeared for the property, judgments of condemnation and forfeiture 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.*

**20767. Adulteration of canned salmon. U. S. v. 5,000 Cases, et al., of Canned Salmon. Portion of product condemned and destroyed. Remainder released under bond for segregation and destruction of all cans containing decomposed salmon.** (F. & D. nos. 28921, 28949, 28965, 28973. Sample nos. 12922-A, 12925-A, 25001-A, 25002-A, 25010-A, 25011-A, 25012-A, 25014-A, 25017-A, 25019-A.)

These cases involved several large shipments of canned salmon that was found to be in part decomposed.

On September 16, 22, 27, and 28, 1932, the United States attorney for the Northern District of California, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States libels praying seizure and condemnation of 17,759 cases of canned salmon at San Francisco and Belvedere Island, Calif., alleging that the article had been shipped by the Bristol Bay Packing Co., in part from Kyichak, Alaska, and in part from Bristol Bay, Alaska, on or about August 14 and August 15, 1932, and charging adulteration in violation of the Food and Drugs Act. Certain lots were labeled: "Mariner's Flag Brand Fancy Red Alaska Sockeye Salmon Packed by Alaska Salmon Company, at Bristol Bay Alaska"; or "Alaska Bear Brand Red Alaska Sockeye Packed by the Bristol Bay Packing Company at Bristol Bay, Alaska." The remainder was unlabeled except for certain identifying codes.

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

The Bristol Bay Packing Co., Bristol Bay, Alaska, and San Francisco, Calif., appeared as claimant in all cases. On March 13, 1933, the libel filed September 27, 1932, came on for hearing and judgment was entered condemning and ordering destruction of one lot consisting of 70 cases, and ordering that the remainder covered by the libel, i.e., 4,430 cases, be released to the claimant upon payment of costs and the execution of a bond in the sum of \$23,000, conditioned that the cans be opened and all salmon found to be decomposed be destroyed and the good portion recanned. The decree further provided for re-examination of the recanned salmon and for exoneration of the bond unless this Department should certify that it was at that time in part decomposed, in which event the case would be set for trial.