

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]

23026-23150

[Approved by the Acting Secretary of Agriculture, Washington, D. C., March 19, 1935]

23026. Adulteration and misbranding of canned tuna. U. S. v. Franco-Italian Packing Co., Inc. Plea of guilty. Fine, \$25. (F. & D. no. 30181. Sample no. 8853-A.)

This case was based on an interstate shipment of canned tuna which was found to be in part tainted or stale. The article was also labeled as having been packed by a firm other than the actual packer.

On June 2, 1933, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Franco-Italian Packing Co., Inc., Terminal Island, Calif., alleging shipment by said company in violation of the Food and Drugs Act, on or about April 18, 1932, from the State of California into the State New York, of a quantity of canned tuna which was adulterated and misbranded. The article was labeled in part: (Cases and cans) "Breast-O'Chicken Brand Extra Fancy Tuna Fish Packed By Westgate Sea Products Company, San Diego, California."

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

Misbranding was alleged in that the statement, "Packed By Westgate Sea Products Company", borne on the cases and cans, was false and misleading, and in that it was labeled as aforesaid so as to deceive and mislead the purchaser, since it was not packed by the Westgate Sea Products Co., but was packed by the Franco-Italian Packing Co., Inc.

On October 18, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$25.

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

23027. Misbranding of coffee. U. S. v. 350 Packages of Coffee. Default decree of condemnation and forfeiture. Product delivered to relief organization. (F. & D. no. 31220. Sample nos. 46414-A, 46415-A.)

Sample packages of coffee taken from the shipment involved in this case were found to contain less than the labeled weight.

On October 12, 1933, the United States attorney for the Eastern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 350 packages of coffee at Marshall, Tex., alleging that the article had been shipped in interstate commerce, on or about September 27, 1933, by the Abel Coffee Co., Inc., from Shreveport, La., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Half Pound Net Weight or ["One Pound Net Weight"] * * * Abel Coffee Co., Inc., Shreveport, La."

It was alleged in the libel that the article was misbranded in that the statements on the label, "Half Pound Net Weight" and "One Pound Net Weight", were 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 statements made were incorrect.

On July 7, 1934, no claimant having appeared, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be delivered to a relief organization.

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

23028. Adulteration of apples. U. S. v. Callie Fugate. Plea of guilty. Fine, \$1. (F. & D. no. 31392. Sample no. 17182-A.)

Examination of the apples involved in this case showed the presence of arsenic and lead.

On June 28, 1934, the United States attorney for the Western District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Callie Fugate, Springdale, Ark., alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about September 20, 1932, from the State of Arkansas into the State of Oklahoma, of a quantity of apples which were adulterated.

The article was alleged to be adulterated in that it contained added poisonous and deleterious ingredients, arsenic and lead, which might have rendered it injurious to health.

On September 17, 1934, the defendant entered a plea of guilty and the court imposed a fine of \$1.

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

23029. Adulteration of apples. U. S. v. Fred D. Shepard. Plea of guilty. Fine, \$1. (F. & D. no. 31394. Sample nos. 17194-A, 25418-A.)

Examination of the apples involved in this case showed the presence of arsenic and lead.

On May 3, 1934, the United States attorney for the Western District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Fred D. Shepard, Centerton, Ark., alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about September 28, 1932, from the State of Arkansas into the State of Missouri, of quantities of apples which were adulterated.

The information charged adulteration of the article in that it contained added poisonous and deleterious ingredients, arsenic and lead, which might have rendered it injurious to health.

On September 17, 1934, the defendant entered a plea of guilty and the court imposed a fine of \$1.

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

23030. Adulteration of canned salmon. U. S. v. Shepard Point Packing Co. Plea of guilty. Fine, \$100 and costs. (F. & D. no. 31415. Sample no. 16686-A.)

This case was based on an interstate shipment of canned salmon that was in part tainted or stale.

On June 25, 1934, 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 Shepard Point Packing Co., a corporation, Seattle, Wash., alleging shipment by said company in violation of the Food and Drugs Act, on or about July 30, 1932, from the State of Washington into the State of South Carolina, of a quantity of canned salmon which was adulterated. The article was labeled in part: "Cordova Brand Alaska Medium Red Salmon Distributed By Shepard Point Packing Co., Main Office Seattle, Wash."

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

On July 30, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$100 and costs.

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