

24562. Adulteration of canned tuna. U. S. v. 99 Cartons of Canned Tuna. Tried to a jury. Verdict for the Government. Decree of condemnation and destruction. (F. & D. no. 33247. Sample nos. 47947-A, 686-B.)

This case involved an interstate shipment of canned tuna which was in part decomposed.

On August 13, 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 a libel praying seizure and condemnation of 99 cartons of canned tuna at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about May 5, 1934, by a shipper unknown, from Los Angeles, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Belle Isle Brand Fancy Solid Packed Tuna Net Weight Seven Oz Packed in High Grade Cottonseed Oil by French Sardine Co Inc Terminal Island."

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

On April 16, 1935, a claim having been interposed by the French Sardine Co., Terminal Island, Calif., and the case having been tried to a jury, verdict for the Government was returned. On April 13, 1935, judgment was entered condemning the product and ordering its destruction.

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

24563. Adulteration and misbranding of canned shrimp. U. S. v. 100 Cartons of Canned Shrimp. Default decree of condemnation and destruction. (F. & D. no. 33634. Sample no. 11366-B.)

This case involved canned shrimp which was in part decomposed.

On October 22, 1934, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 100 cartons of canned shrimp at Portland, Oreg., alleging that the article had been shipped in interstate commerce on or about September 19, 1934, by the Robinson Canning Co., Inc., from New Orleans, La., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Barataria Shrimp * * * Packed by Robinson Canning Co., Inc., New Orleans, La."

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

Misbranding was alleged for the reason that the statements on the label, "The shrimp contained in this can are absolutely free from adulteration; * * * are guaranteed to pass any state or national pure food law inspection", were false and misleading and tended to deceive and mislead the purchaser.

On May 1, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

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

24564. Adulteration and misbranding of butter. U. S. v. 4 Cases of Print Butter. Consent decree of condemnation and sale. (F. & D. no. 31118. Sample no. 40341-A.)

This case involved an interstate shipment of butter that contained less than 80 percent of milk fat.

On August 25, 1933, the United States attorney for the Northern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of four cases of print butter at Hammond, Ind., alleging that the article had been shipped in interstate commerce on or about August 9, 1933, by the Sugar Creek Creamery Co., from Danville, Ill., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Pure Butter * * * Packed for Nation-Wide Stores Co., St. Louis, Mo."

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as provided by the act of Congress of March 4, 1923.

Misbranding was alleged for the reason that the article was labeled "Butter", which was false and misleading, since it contained less than 80 percent of milk fat.

On November 29, 1933, in accordance with a stipulation entered into between the United States attorney and the intervenor, the Sugar Creek Creamery Co., judgment was entered ordering that samples from each case be withdrawn for

the Government and the intervenor, and that the remainder be condemned and sold.

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

24565. Adulteration of canned shrimp. U. S. v. 260 Cases of Canned Shrimp. Default decree of condemnation and destruction. (F. & D. no. 33886. Sample no. 1774-B.)

This case involved canned shrimp which was in part decomposed.

On October 13, 1934, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 260 cases of canned shrimp at San Francisco, Calif., alleging that the article had been shipped in interstate commerce on or about August 10, 1934, by B. F. Trappeys Sons, Inc., from New Iberia, La., and charging adulteration in violation of the Food and Drugs Act.

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

On April 18, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

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

24566. Misbranding of salad oil. U. S. v. Morris Stern, Isidor Goldsmith, and Nathan Goldsmith (Manhattan Coffee & Sugar Co.). Pleas of guilty. Sentences suspended. (F. & D. no. 33857. Sample no. 67408-A.)

Sample cans of salad oil taken from the shipments involved in this case were found to contain less than 1 gallon, the volume declared on the label.

On December 11, 1934, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Morris Stern, Isidor Goldsmith, and Nathan Goldsmith, trading as the Manhattan Coffee & Sugar Co., Long Island City, N. Y., alleging shipment by said defendants in violation of the Food and Drugs Act as amended, on or about March 16 and April 20, 1933, from the State of New York into the State of New Jersey of quantities of salad oil that was misbranded. The article was labeled in part: "Net Contents One Gallon Salco A Ragus Product Salad Oil Full Measure", with similar statements in Italian.

The article was alleged to be misbranded in that the statements, "Net Contents One Gallon", "Full Measure", "Contenuto Un Gallone", and "Piena Misura", borne on the can label, were false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since they represented that the cans each contained 1 full gallon; whereas the cans did not each contain 1 full gallon, but did contain in each of a large number thereof less than 1 full gallon of the article.

On April 11, 1935, the defendants entered pleas of guilty to the information and the court ordered that sentence be suspended.

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

24567. Adulteration and misbranding of olive oil. U. S. v. Umberto Turco. Plea of guilty. Fine, \$25. (F. & D. no. 33873. Sample nos. 51969-A, 51970-A.)

This case was based on an interstate shipment of alleged olive oil which was found to consist principally of cottonseed oil artificially colored. The product was also short volume.

On March 1, 1935, 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 an information against Umberto Turco, New York, N. Y., alleging shipment by said defendant in violation of the Food and Drugs Act as amended, on or about January 15, 1934, from the State of New York into the State of New Jersey of two lots of alleged olive oil which was adulterated and misbranded.

The article was alleged to be adulterated in that cottonseed oil had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength; in that a substance, namely, a product consisting mainly of domestic cottonseed oil, artificially flavored and colored in imitation of olive oil, had been substituted for pure, imported, Italian olive oil, which the article purported to be; and in that it was mixed and colored in a manner whereby its inferiority was concealed.

Misbranding was alleged for the reason that the statement, "Net Contents One Gallon", with respect to the product in both lots, and the statements,