

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]

27401-27525

[Approved by the Acting Secretary of Agriculture, Washington, D. C., November 3, 1937]

27401. Adulteration of raisins. U. S. v. 76 Cases of Raisins (and 15 other seizure actions). Default decrees of condemnation and destruction. (F. & D. nos. 39351, 39353, 39354, 39355, 39360, 39397, 39400, 39401, 39417, 39420, 39428, 39435, 39436, 39514, 39518, 39534, 39535, 39541, 39554. Sample nos. 2074-C, 2177-C, 17886-C, 17889-C, 17890-C, 21821-C, 21824-C, 26735-C, 27354-C, 27366-C, 27369-C, 27371-C, 27373-C, 27376-C, 27535-C, 27537-C, 34688-C, 34690-C, 42476-C, 42478-C.)

This product contained hydrocyanic acid in amounts which might have rendered it injurious to health.

Between the dates of April 8 and April 29, 1937, the United States attorney for the Northern District of New York, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 515 cases of raisins in various lots at Schenectady, Troy, Albany, Syracuse, and Binghamton, N. Y., respectively. During the same period libels were filed against 91 cases of raisins at Tyler, Tex., 314 cases at Houston, Tex., 51 cases at Seguin, Tex., 8½ cases at Rockdale, Tex., and 89 cases at Galveston, Tex. The libels alleged that the article had been shipped in interstate commerce, certain shipments on or about October 24 and 28, 1936, and the remaining shipments in February 1937, by the Sunland Sales Cooperative Association, in part from Stockton, Calif., and in part from Fresno, Calif., and that it was adulterated in violation of the Food and Drugs Act. The article was labeled in part variously: "Sun Maid Raisins Seedless Nectars" [or "Puffed Seeded Muscats", "Midget Thompson Seedless", or "Feature Raisin Bread Special"] * * * Sun-Maid Raisin Growers of California Fresno California"; "Blue Ribbon Brand Seedless Raisins * * * Distributed by Sunland Sales Cooperative Association"; "Amber Beauty Sultana Raisins."

It was alleged to be adulterated in that it contained an added poisonous and deleterious ingredient, hydrocyanic acid, which might have rendered it injurious to health.

On June 5, 10, 14, 15, 18, 23, 24, 28, 29, 30, and July 8, 1937, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

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

27402. Adulteration of tomato paste. U. S. v. 1,000 Cartons and 130 Cases of Tomato Paste. Consent decrees of condemnation. Product released under bond for segregation and destruction of unfit portion. (F. & D. nos. 36284, 36436. Samples nos. 16059-B, 16069-B.)

U. S. v. 800 Cases of Tomato Paste. Decree of condemnation and destruction. (F. & D. no. 36287. Sample no. 15557-B.)

Samples of this product were found to contain filth resulting from worm infestation.

On September 8, 9, and 28, 1935, the United States attorney for the Southern District of New York, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 1,000 cartons and 130 cases of tomato paste at New York, N. Y., and 800 cases of tomato paste

at Mount Vernon, N. Y., alleging that the article had been shipped in interstate commerce in various shipments on or about July 20, 23, and 26, 1935, by the Anaheim Canning Co. (or Anaheim Canning Corporation) from Anaheim, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled variously: "Re Umberto Tomatine Concentrated Tomato Paste * * * United Pure Food Co., N. Y. Distributors * * *"; "Eagle Brand Tomato Paste * * * Packed by A. Glorioso New Orleans, La."; "Garibaldi Brand Tomato Paste * * * Distributors Garibaldi Sales Co., New York."

It was alleged to be adulterated in that it consisted in whole or in part of a filthy vegetable substance.

On March 25, 1937, Angelo Glorioso, claimant for the lot seized at Mount Vernon, N. Y., having, with leave of court, withdrawn his answer, judgment of condemnation was entered and it was ordered that the lot be destroyed and that costs be taxed against the claimant. On April 5, 1937, the Anaheim Canning Co., Inc., claimant for the remaining lots, having withdrawn its answer but not its claim, and having admitted the allegations of the libels and consented to the entry of decrees, judgments of condemnation were entered and it was ordered that said lots be released under bond, conditioned that the portions which were unfit for human consumption be segregated and destroyed.

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

27403. Adulteration of tomato paste. U. S. v. 994 Cases of Tomato Paste. Default decree of condemnation and destruction. (F. & D. no. 36615. Sample no. 26760-B.)

This product contained filth resulting from worm and insect infestation.

On November 19, 1937, the United States attorney for the Northern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 200 cases of canned tomato paste at Albany, N. Y. On November 27, 1935, the libel was amended in order to cover additional lots of the product, which made a total of 994 cases. The amended libel alleged that the article had been shipped in interstate commerce on or about September 25, 1935, by the Calliguria Food Products Corporation from Los Angeles, Calif., and that it was adulterated in violation of the Food and Drugs Act. It was labeled in part: "Vulcania Brand California Concentrated Tomato Paste * * * Guaranteed and Distributed by Calliguria Food Products Corp. Los Angeles, Calif."

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

On May 21, 1937, no claimant appearing, judgment of condemnation was entered and the product was ordered destroyed.

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

27404. Adulteration of Limburger process cheese. U. S. v. Kraft-Phenix Cheese Corporation. Plea of nolo contendere. Fine, \$100 and costs. (F. & D. no. 36955. Sample nos. 4583-B, 4795-B.)

Samples of this product were found to contain fragments of flies and pupae, human and animal hairs, and miscellaneous filth.

On February 6, 1936, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Kraft-Phenix Cheese Corporation, trading at Freeport, Ill., alleging shipment by said company in violation of the Food and Drugs Act on or about March 23 and March 29, 1935, from the State of Illinois into the State of Maryland of quantities of Limburger process cheese that was adulterated. The article was labeled in part: "Limburger Pasteurized Process Cheese Kraft-Phenix Cheese Corporation General Offices—Chicago, Ill."

It was alleged to be adulterated in that it consisted in part of a filthy animal substance containing therein many pieces of insect bodies (mostly of adult flies), large fragments of fly puparium, human and animal hairs, fragments of wood, cotton fibers, paper, and nondescript material.

On June 23, 1937, a plea of nolo contendere was entered on behalf of the defendant and the court imposed a fine of \$100 and costs.

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