

**27405. Adulteration and misbranding of canned tuna fish. U. S. v. 796 Cases of Canned Tuna Fish. Decree condemning portion of product and ordering its destruction, and releasing remainder to be relabeled. Amended decree ordering reexamination of released goods and destruction of any part thereof found unfit for human consumption. (F. & D. no. 37345. Sample no. 55523-B.)**

Samples of this product were found to be short weight and decomposed.

On March 10, 1936, the United States attorney for the Eastern District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 796 cases of canned tuna fish at Detroit, Mich., alleging that it had been shipped in interstate commerce on or about February 3, 1936, by Cohn-Hopkins, Inc., from San Diego, Calif., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Cans) "Contents 7 Ozs. Avoir. Metric Equiv. 198 Grams Premier Tuna Fish \* \* \* Francis H. Leggett & Co. Distributors New York."

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

The article was alleged to be misbranded in that the statement on the can label, "Contents 7 Ozs. Avoir. Metric Equiv. 198 Grams", was false and misleading and tended to deceive and mislead the purchaser when applied to a product that was short of the declared weight. Misbranding was alleged for the further reason that the article was food in package form and the quantity of contents was not plainly and conspicuously marked on the outside of the package since the quantity stated was not correct.

On August 25, 1936, Cohn-Hopkins, Inc., claimant, having admitted the allegations of the libel and the court having found that a portion of the product distinguishable by certain code marks was adulterated, judgment was entered condemning the said portion and ordering that it be destroyed; it was further ordered that the remainder be released under bond conditioned that it be relabeled. On December 3, 1936, an amended decree was entered permitting shipment of the released goods to San Diego, Calif., there to be reexamined and any portion found unfit for human consumption destroyed.

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

**27406. Adulteration of cream. U. S. v. One 10-Gallon Can, et al., of Cream. Consent decrees of condemnation and destruction. (F. & D. nos. 37840, 37850, 37851, 37852. Sample nos. 69951-B, 71051-B, 71052-B, 71053-B.)**

This product was found to be decomposed or filthy, or both.

On May 21, June 6, and June 8, 1936, the United States attorney for the Northern District of California, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of nine 10-gallon cans of cream at Modesto, Calif., alleging that it had been shipped in interstate commerce in various shipments on or about May 18, June 1, and June 2, 1936, by the Milk Producers Association of Central California, Fallon, Nev.; R. M. Howard, Reno, Nev.; and Harry Hibbard, Yerington, Nev., and charging adulteration in violation of the Food and Drugs Act.

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

On May 22 and June 8, 1936, the consignee having consented to the entry of decrees, judgments of condemnation were entered and it was ordered that the product be destroyed.

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

**27407. Adulteration of cream. U. S. v. One 10-Gallon Can and One 10-Gallon Can of Cream. Consent decrees of condemnation and destruction. (F. & D. nos. 37841, 37853. Sample nos. 69955-B, 71061-B.)**

This product was found to be decomposed or filthy, or both.

On May 25 and June 12, 1936, the United States attorney for the Northern District of California, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of two 10-gallon cans of cream at Sacramento, Calif., alleging that it had been shipped in interstate commerce, in part on or about May 21, 1936, by the Lakeview Creamery, Lakeview, Oreg., and in part on or about June 10, 1936, by Joe Rosselli, Carson City, Nev., and charging adulteration in violation of the Food and Drugs Act.

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