

# 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]

27576-27700

[Approved by the Acting Secretary of Agriculture, Washington, D. C., January 11, 1938]

**27576. Adulteration of dicalcium phosphate. U. S. v. 360 Jars of Dicalcium Phosphate. Default decree of condemnation and destruction.** (F. & D. No. 35775. Sample No. 33320-B.)

This product contained an excessive amount of fluorine.

On July 19, 1935, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 360 jars of dicalcium phosphate at Chicago, Ill., alleging that it had been shipped in interstate commerce on or about May 21, 1935, by Parke, Davis & Co., from Detroit, Mich., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "One Fourth Pound D C P 340 (Dicalcium Phosphate) Parke, Davis & Co., Detroit, Mich."

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

On June 3, 1937, the answer and claim of Parke, Davis & Co., the sole intervenor, having been withdrawn, judgment of condemnation was entered and the product was ordered destroyed.

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

**27577. Adulteration and misbranding of canned shrimp. U. S. v. 9 Cases of Canned Shrimp (and 5 other seizure actions). Default decrees of condemnation and destruction.** (F. & D. Nos. 88262, 88300, 88778, 89265, 89331, 89508. Sample Nos. 6596-C, 6604-C, 13797-C, 13798-C, 18843-C, 26318-C, 26332-C.)

This case involved six shipments of canned shrimp five of which were adulterated because of the presence of decomposed shrimp. The sixth lot was misbranded because it fell below the standard of fill of container established by this Department and was not labeled to indicate that it was substandard, which was also true of one of the adulterated lots.

On September 5, 1936, 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 nine cases of canned shrimp at Beaumont, Tex.

On September 14 and December 8, 1936, and March 27, April 5, and April 26, 1937, libels were filed against 4 cases of canned shrimp at Beaumont, Tex., 17 cases of the product at Port Arthur, Tex., 180 cases at Chicago, Ill., and 6 cases at Peoria, Ill. The libels alleged that the article had been shipped in interstate commerce between the dates of August 14, 1936, and February 24, 1937, by the L. O. Mays Co., Inc., from New Orleans, La.; and that certain lots were adulterated, one lot was misbranded, and one lot was adulterated and misbranded in violation of the Food and Drugs Act as amended. A portion of the article was labeled, "Doll Baby Brand Dry Pack Shrimp \* \* \* L. C. Mays Co., Inc., Distributors New Orleans, La."; another portion was labeled, "White Oak Brand Small Wet Shrimp Packed for Oakford And Fahnestock, Peoria, Ill." The remainder at the time of shipment was labeled, "Doll Baby Brand," but this label later was removed by the consignee.

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

One of the said lots and the remaining lot were alleged to be misbranded in that the article was canned food and fell below the standard of fill of container promulgated by the Secretary of Agriculture, since it was slack-filled because of excessive packing medium, and its package or label did not bear a plain and conspicuous statement prescribed by regulation of this Department indicating that it fell below such standard.

On October 28, 1936, March 24, June 7, and October 19, 1937, no claimant having appeared, judgments of condemnation were entered and it was ordered that the product be destroyed.

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

**27578. Adulteration of canned salmon. U. S. v. Pacific American Fisheries, Inc. Plea of guilty. Fine, \$200 and costs. (F. & D. No. 38679. Sample Nos. 11059-C, 22309-C.)**

Samples of this product were found to be decomposed.

On May 26, 1937, 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 Pacific American Fisheries, Inc., trading at Bellingham, Wash., alleging shipment by said company in violation of the Food and Drugs Act on or about June 20, June 25, and August 3, 1936, from King Cove, Alaska, to Bellingham, Wash., of a quantity of unlabeled canned salmon that was adulterated.

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

On July 1, 1937, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$200 and costs.

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

**27579. Adulteration of canned tomato paste. U. S. v. Marlboro Canning Corporation. Plea of guilty. Fine, \$270. (F. & D. No. 38688. Sample Nos. 17747-C to 17751-C, incl., 17757-C, 17905-C, 26453-C, 26471-C.)**

This product was found to contain excessive mold.

On August 3, 1937, 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 the Marlboro Canning Corporation, Marlboro, N. Y., alleging shipment by said company in violation of the Food and Drugs Act in various shipments, on or about September 29, October 1, 10, 17, 21, 22, and 28, and November 23, 1936, from the State of New York into the State of New Jersey; and on or about November 12, 1936, from the State of New York into the State of Connecticut of quantities of tomato paste that was adulterated. The article was labeled in part: "Lola Brand Tomato Paste \* \* \* Packed by The Marlboro Canning Corp. Marlboro, N. Y."

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

On August 16, 1937, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$270.

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

**27580. Adulteration of flour. U. S. v. 503 Sacks of Flour. Default decree of condemnation and destruction. (F. & D. Nos. 38750 to 38757, incl. Sample Nos. 2051-C to 2053-C, incl., 2056-C to 2060-C, incl.)**

This product was insect-infested.

On December 8, 1936, 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 503 sacks of flour at Lufkin, Tex., alleging that the article had been shipped in interstate commerce on or about October 21, 1936, by the Eagle Milling Co., from Edmond, Okla., and charging adulteration in violation of the Food and Drugs Act. The article was variously labeled in part as follows: "Creation Flour \* \* \* American Maid Flour Mills, Houston, Texas"; "Sunshine Flour \* \* \* Sunshine Food Stores Oklahoma City"; "Eagle Mill Omaha Highest Patent Eagle Milling Co."; "Mary Sunshine Flour \* \* \* The Mid West Milling Co. Abilene, Kansas \* \* \* Extra High Patent Flour"; "Southern Delight Flour \* \* \* Texas Star Flour Mills, Galveston, Texas."

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