

27767. Adulteration of canned salmon. U. S. v. 159 Cartons and 36 Cases of Salmon. Consent decree of condemnation. Product released under bond. (F. & D. Nos. 39429, 39430. Sample Nos. 22564-C, 22567-C.)

This product was in part decomposed.

On May 14, 1937, the United States attorney for the Northern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the district court a libel against 159 cartons of canned salmon at Panama City, Fla. (amended May 27, 1937) and a libel against 36 cases of canned salmon at Marianna, Fla., alleging that the article had been shipped in interstate commerce on or about October 8, 1936, by McGovern & McGovern from Seattle, Wash., and charging adulteration in violation of the Food and Drugs Act. The article was labeled: (Cans) "McGovern's Best * * * Pink Salmon * * * Distributed by McGovern & McGovern Seattle"; (cans) "Far North * * * Pink Salmon * * * McGovern & McGovern Seattle Sole Distributors."

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

On August 10, 1937, McGovern & McGovern, claimant, having admitted the allegations of the libels and having consented to the entry of decrees, judgments of condemnation were entered and the product was ordered released under bond conditioned that it should not be disposed of in violation of the Food and Drugs Act.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

27768. Adulteration of dried peaches. U. S. v. Nine Cases of Dried Peaches. Default decree of condemnation and destruction. (F. & D. No. 39432. Sample No. 35983-C.)

This product was insect-infested.

On April 24, 1937, the United States attorney for the District of Nevada, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of nine cases of dried peaches at Reno, Nev., alleging that the article had been shipped in interstate commerce on or about November 18, 1936, by the Albert Asher Co. from San Francisco, Calif., and charging adulteration in violation of the Food and Drugs Act. It was labeled in part: "Lindley & Co. Reno Nevada * * * Fancy Peaches."

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

On August 5, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

27769. Adulteration of canned salmon. U. S. v. Alaska Salmon Co. Plea of guilty. Fine, \$200. (F. & D. No. 39438. Sample Nos. 3634-C to 3639-C, incl., 3641-C, 3642-C, 3643-C, 4429-C, 4432-C, 4433-C.)

This product was in part decomposed.

On June 22, 1937, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Alaska Salmon Co., San Francisco, Calif., alleging shipment by said company on or about August 20, 1936, from Nushagak, Alaska, into the State of California of a quantity of unlabeled canned salmon that was adulterated in violation of the Food and Drugs Act.

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

On August 21, 1937, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$200.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

27770. Adulteration of tomato puree. U. S. v. 42 Cases of Tomato Puree. Default decree of condemnation and destruction. (F. & D. No. 39662. Sample No. 33888-C.)

This product was found to contain excessive mold.

On May 28, 1937, 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 42 cases of canned tomato puree at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about April 28, 1937, by the Loudon Packing Co., from Terre Haute, Ind., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Cans) "Traymore Brand Tomato Puree Distributors Central Grocers Cooperative Inc Chicago Ill."

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

On July 8, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

27771. Adulteration and misbranding of canned shrimp. U. S. v. H. T. Cottam & Co., Inc. Plea of guilty. Fine, \$25. (F. & D. No. 39746. Sample Nos. 13886-C, 21607-C to 21613-C, incl.)

Samples taken from these various lots of canned shrimp were found to be decomposed. They also were found to be below the standard of fill of container promulgated by the Secretary of Agriculture because of excessive head space and were not labeled to indicate that they were substandard. The cans in one lot contained less than the declared weight.

On July 16, 1937, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court an information against H. T. Cottam & Co., Inc., New Orleans, La., alleging that on or about January 6, 11, 14, and 16, 1937, the defendant delivered for shipment from New Orleans, La., to La Guaira, and Puerto Cabello, Venezuela, quantities of canned shrimp; that on or about February 2, 1937, the defendant delivered for shipment from New Orleans, La., to Curacao, Dutch West Indies, a quantity of canned shrimp, and that the article was adulterated and misbranded in violation of the Food and Drugs Act as amended. Portions of the article were labeled: (Cans) "Barataria Brand Shrimp Packed For Export Only * * * Packed for H. T. Cottam & Co., Inc. New Orleans." The remainder was labeled: "Grand Island Brand Shrimp Wet Pack Net Wgt. 5 $\frac{3}{4}$ Ozs. Lockport Packing Company Lockport, La."

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

It was alleged to be misbranded in that it was canned food and fell below the standard of fill of container promulgated by the Secretary of Agriculture, and its label did not bear a plain and conspicuous statement prescribed by the Secretary indicating that it fell below such standard. The Grand Island brand was alleged to be misbranded further in that the statement "Net Wgt. 5 $\frac{3}{4}$ ozs." was false and misleading and was borne on the label so as to deceive and mislead the purchaser since the cans contained less than 5 $\frac{3}{4}$ ounces; and in that it was food in package form and the quantity of contents was not plainly and conspicuously marked on the outside of the package.

On August 13, 1937, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$25.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

27772. Adulteration and misbranding of lemon sour and misbranding of lime sour. U. S. v. 10, 2, and 2 Cases of Lemon Sour and 45 Bottles of Lime Sour. Default decrees of condemnation and destruction. (F. & D. Nos. 39875, 39886. Sample Nos. 20851-C, 20852-C.)

These products were labeled to convey the impression that they were bases from which fruit beverages could be made. Examination showed that the lemon sour was a mixture of water, acid, artificial color, and 20 percent or less of lemon juice; and that the lime sour was a mixture of water, acid, and oil of lime, with little or no lime juice.

On June 19 and 28, 1937, the United States attorney for the District of Rhode Island, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 14 cases of lemon sour, and 45 bottles of lime sour at Providence, R. I., alleging that the articles had been shipped in interstate commerce on or about September 15, 16, and 29, 1936, by the True Fruit Products Co., from Boston, Mass., and charging adulteration and misbranding of the former, and misbranding of the latter in violation of the Food and Drugs Act. The articles were labeled in part: (Bottle) "Game Cock Lemon [or "Lime"] Sour Certified Color * * * Bottled * * * By True-Fruit Products Co. Boston, Mass."

The lemon sour was alleged to be adulterated in that a mixture of water, acid, artificial color, and a small proportion of lemon juice had been substituted for juice of fresh lemons, which it purported to be; and in that it had been mixed and colored in a manner whereby inferiority was concealed.

The lemon sour was alleged to be misbranded in that the following statements on the label, "Lemon Sour" and "Contains Juice of Fresh Lemons," were