

28023. Misbranding of canned shrimp in the unlawful use of sea-food inspection legend. U. S. v. Marko Skrmetta (Deer Island Fish & Oyster Co.). Plea of guilty. Fine, \$1,000. Payment suspended and defendant placed on probation for 1 year. (F. & D. No. 38001. Sample Nos. 65688-B, 65801-B.)

The label of this product falsely represented that it had been packed at a plant having Government inspection.

On November 23, 1936, the United States attorney for the Southern District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Marko Skrmetta, trading as the Deer Island Fish & Oyster Co. (Bayou La Batre, Ala.), alleging shipment by said defendant in violation of the Food and Drugs Act on or about September 6, 1935, and January 10, 1936, from the State of Alabama into the State of Massachusetts of quantities of canned shrimp which was falsely labeled as having been packed under Government inspection, in violation of the Food and Drugs Act and as amended by Section 10-A. A portion was labeled: "Wild Rose * * * Wet Pack Shrimp * * * Packed for R. F. Owens Co., * * * Brockton, Mass." The remainder was labeled: "Clover Farm Brand * * * Shrimp * * * Clover Farm Stores Distributors, National Headquarters, Cleveland, Ohio." Both lots were labeled further: "Production Supervised by U. S. Food and Drug Administration."

The article was alleged to be misbranded in that the statement "Production Supervised by U. S. Food and Drug Administration," borne on the cans, was false and misleading since it had not been produced under the supervision of the United States Food and Drug Administration.

It was alleged to be labeled in further violation of the law in that it was marked to indicate that it conformed to the requirements of the law and the regulations promulgated thereunder; i. e., that the premises, equipment, sanitation, methods of handling, containers, and labels used in the production of the article, had been examined and inspected by inspectors designated by the Secretary of Agriculture for such purposes; whereas it did not conform to said requirements of the law and regulations but had been marked to indicate such conformity without proper authority.

On October 5, 1937, the defendant entered a plea of guilty and the court imposed a fine of \$1,000. Payment of the fine was suspended and the defendant was placed on probation for 1 year.

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

28024. Adulteration of canned shrimp. U. S. v. Paul C. Skrmetta. Plea of guilty. Fine, \$20. (F. & D. No. 39444. Sample Nos. 13797-C, 13798-C.)

This product was in part decomposed.

On May 19, 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 Paul C. Skrmetta, New Orleans, La., alleging shipment by said defendant in violation of the Food and Drugs Act on or about September 26, 1936, from the State of Louisiana into the State of Texas of a quantity of canned shrimp that was adulterated. It was labeled in part: "Doll Baby Brand * * * Shrimp * * * L. C. Mays Co., Inc., Distributors, New Orleans, La."

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

On June 25, 1937, the defendant entered a plea of guilty; and on June 28, 1937, a fine of \$20 was imposed.

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

28025. Adulteration of canned tuna. U. S. v. 950 Cases of Canned Tuna. Decree of condemnation. Product released under bond for segregation and destruction of decomposed portion. (F. & D. No. 39699. Sample No. 10510-C.)

This product was in part decomposed.

On June 8, 1937, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 950 cases of canned tuna at Boston, Mass., alleging that the article had been shipped in interstate commerce on or about May 14, 1937, by the Van Camp Sea Food Co., Inc., of Terminal Island, from Los Angeles Harbor, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Catalina Brand Light Meat Tuna * * * Packed by Van Camp Sea Food Co., Inc."