

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."

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

On July 7, 1937, the Van Camp Sea Food Co., Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that the decomposed portion be segregated and destroyed.

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

28026. Adulteration of raisins. U. S. v. 960 Boxes of Raisins. Consent decree of condemnation and destruction. (F. & D. No. 39427. Sample No. 32222-C.)

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

On or about April 23, 1937, the United States attorney for the Eastern District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 960 boxes of raisins at Norfolk, Va., alleging that the article had been shipped in interstate commerce on or about December 5, 1936, from Stockton, Calif., by the Del Rey Packing Co., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Deluxe Brand Vinyard Run Malaga Layer Raisins Packed by Del Rey Packing Co. Del. Rey, California."

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 September 20, 1937, the product was ordered released under bond conditioned that it not be disposed of except upon further order of the court and that it be treated and analyzed under the supervision of this Department. On November 5, 1937, the claimant, Southgate Brokerage Co., Inc., having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered retained by the claimant for such disposition as permitted by this Department.

On January 12, 1938, the claimant having admitted that an effort to remove the hydrocyanic acid had been unsuccessful, the product was ordered destroyed.

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

28027. Adulteration of canned salmon. U. S. v. Deep Sea Salmon Co. Plea of guilty. Fine, \$150 and costs. (F. & D. No. 39462. Sample Nos. 23599-C, 23644-C.)

This product was in part decomposed.

On June 10, 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 Deep Sea Salmon Co., a corporation, Seattle, Wash., alleging shipment by the defendant on or about September 4, 1936, from the Territory of Alaska into the State of Washington of a quantity of canned salmon which was adulterated in violation of the Food and Drugs Act.

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

On December 20, 1937, a plea of guilty was entered by the defendant and it was sentenced to pay a fine of \$150 and costs.

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

28028. Adulteration of canned salmon. U. S. v. Alaska Southern Packing Co., Inc. Plea of guilty. Fine, \$200 and costs. (F. & D. No. 39461. Sample Nos. 11086-C, 11087-C, 22005-C, 22006-C, 22027-C, 22050-C, 22226-C.)

This product was in part decomposed.

On June 10, 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 Alaska Southern Packing Co., Inc., Seattle, Wash., alleging shipment by the defendant on or about August 12, 1936, from the Territory of Alaska into the State of Washington of a quantity of canned salmon which was adulterated in violation of the Food and Drugs Act.

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

On November 29, 1937, a plea of guilty was entered in behalf of the defendant and it was sentenced to pay a fine of \$200 and costs.

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