

28088. Adulteration and misbranding of coffee. U. S. v. Curtis E. Smith (Interstate Coffee Co.). Plea of nolo contendere. Sentence suspended and defendant placed on probation for 30 days. (F. & D. No. 38663. Sample Nos. 13448-C, 13498-C, 15837-C.)

This product contained cereal and, with the exception of one lot, also chicory.

On May 15, 1937, the United States attorney for the Southern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Curtis E. Smith, trading as the Interstate Coffee Co., Augusta, Ga., alleging shipment by the defendant on or about August 21 and September 11 and 29, 1936, from the State of Georgia into the States of North Carolina and South Carolina of quantities of coffee which was adulterated and misbranded in violation of the Food and Drugs Act. Respective portions of the article were labeled in part: "White Label Fresh Roasted Pure Coffee * * * A Product of Interstate Coffee Co. Augusta, Ga."; and "Rio Fresh Roasted Ground Coffee Packed for Johnson Bros. Charlotte, N. C."

The article was alleged to be adulterated in that a product composed in part of cereal, two of the three lots also containing chicory, had been substituted for coffee, which it purported to be.

Misbranding was alleged in that the statements, "Fresh Roasted Pure Coffee" and "Rio Fresh Roasted Ground Coffee," were false and misleading and were borne on the bags so as to deceive and mislead the purchaser; and in that the product was offered for sale and sold under the distinctive name of another article, "Rio Coffee" in the case of one lot and "Pure Coffee" in the case of the other lots.

On November 26, 1937, a plea of nolo contendere having been entered, the court suspended sentence and placed the defendant on probation for 30 days.

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

28089. Adulteration of canned salmon. U. S. v. Lindenberger Packing Co. Plea of guilty. Fine, \$28 and costs. (F. & D. No. 38689. Sample Nos. 10916-C, 10924-C, 23785-C, 23797-C, 23814-C, 23825-C.)

This product was in part decomposed.

On June 8, 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 Lindenberger Packing Co., a corporation, Seattle, Wash., alleging shipment by the defendant on or about August 15, 20, and 28 and September 3, 1936, from the Territory of Alaska into the State of Washington of quantities of canned salmon which was adulterated 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 decomposed animal substance.

On December 20, 1937, a plea of guilty was entered on behalf of the defendant and it was sentenced to pay a fine of \$28 and costs.

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

28090. Adulteration of canned shrimp. U. S. v. 23 Cases of Shrimp. Default decree of condemnation and destruction. (F. & D. No. 38716. Sample No. 17390-C.)

This product was in part decomposed.

On November 25, 1936, the United States attorney for the Middle District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 23 cases of canned shrimp at Wilkes-Barre, Pa., alleging that the article had been shipped in interstate commerce on or about September 15, 1936, from Bayou Labatre, Ala., by the Deer Island Fish & Oyster Co., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Gulf's Best Brand Shrimp Wet Pack. * * * Packed by Deer Island Fish & Oyster Co., Bayou Labatre, Ala., and Biloxi, Miss."

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

On October 25, 1937, the sole intervenor, the Deer Island Fish & Oyster Co., having withdrawn its appearance, judgment of condemnation was entered and the product was ordered destroyed.

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