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]

17801–17825

[Approved by the Secretary of Agriculture, Washington, D. C., May 25, 1931]

17801. Adulteration of canned pimientos. U. S. v. 5 Cases of Canned Pimientos in Glass, et al. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 25238, 25323. I. S. Nos. 3819, 3822. S. Nos. 3542, 3597.)

Samples of canned pimientos from the herein-described shipments having been found to contain decomposed material, the Secretary of Agriculture reported the facts to the United States attorney for the Western District of North Carolina.

On October 30 and November 15, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of nine cases of canned pimientos, remaining in the original unbroken packages at Asheville, N. C., alleging that the article had been shipped by Von Bremen-Asche-DeBruyn (Inc.), from Vienna, Ga., in part on or about August 29 (September 29), 1930, and in part on or about October 3, 1930, and had been transported from the State of Georgia into the State of North Carolina, and charging adulteration in violation of the food and drugs act. A portion of the article was labeled in part: (Jar) "Carola Brand Pimientos * * * Von Bremen, Asche & Co. New York, Sole Distributors." The remainder of the said article was labeled in part: (Jar) "Plee-Zing Pimientos Packed * * * By Von Bremen-Asche-DeBruyn, Inc. Distributors."

It was alleged in the libels that the article was adulterated in that it consisted in part of a decomposed vegetable substance.

On December 11 and December 23, 1930, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17802. Adulteration of canned salmon. U. S. v. 60 Cases, et al., of Canned Salmon. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 25217, 25218. I. S. Nos. 13416, 13417. S. Nos. 3497, 3498.)

Samples of canned salmon from the herein-described interstate shipments having been found to contain decomposed fish, the Secretary of Agriculture reported the matter to the United States attorney for the District of Minnesota.

On October 20 and October 21, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 155 cases of canned salmon, in part at St. Paul, Minn., and in part at Minneapolis, Minn., alleging that the article had been shipped by McGovern & McGovern, from Seattle, Wash., in two consignments, on or about September 19 and September 20, 1930, respectively, and had been

transported from the State of Washington into the State of Minnesota, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Request Pink Salmon Distributed by Sergeant-Paup Co., Seattle, Wash."

It was alleged in the libels that the article was adulterated in that it consisted in part of a filthy, decomposed, or putrid animal substance.

On December 9, 1930, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17803. Misbranding of vinegar. U. S. v. 9 Barrels, et al., of Vinegar. Product adjudged misbranded and released under bond to be relabeled. (F. & D. Nos. 25136, 25137, 25138. I. S. Nos. 6050, 7051, 7052, 7053. S. Nos. 3392, 3393.)

Examination of the vinegar from the herein-described interstate shipments having shown that the barrels contained less than the quantity declared on the label, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of Indiana.

On or about October 3 and October 4, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 87 barrels of vinegar, remaining in the original unbroken packages in various lots at Bedford, Orleans, and Bloomington, Ind., alleging that the article had been received from the Whitehead-Kiesel Co., Louisville, Ky., about July 23, July 24, and August 6, 1930, respectively, having been transported in interstate commerce from the State of Kentucky into the State of Indiana, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Barrels) "Whitehead-Kiesel Co. (Inc.) Down Home Brand * * * Vinegar, Louisville * * * 52 Gal. Net Contents."

It was alleged in the libels that the article was misbranded in that the statement on the barrels, "52 Gal. Net Contents," was false and misleading, since the volume of the contents of each barrel was less than that amount. Misbranding was alleged for the further reason that the quantity of contents was not plainly and conspicuously marked on the outside of the packages, since the stated volume was not correct.

On December 19 and December 20, 1930, the Whitehead-Kiesel Co., (Inc.), Louisville, Ky., claimant, having consented to the entry of a decree of condemnation and having tendered bonds conditioned that the product be relabeled under the supervision of this department, decrees were entered adjudging the product misbranded, and it was ordered by the court that the said bonds be approved, and that the product be returned to the claimant to be relabeled, upon payment of costs.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17804. Adulteration of canned sardines. U. S. v. 1,000 Cases, et al., of Canned Sardines. Default decrees of condemnation, forfeiture, and destruction. (F. & D. No. 24395. I. S. No. 013327. S. No. 2560.)

Samples of canned sardines from the herein-described interstate shipment having been found to contain decomposed fish, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Mississippi.

On or about December 23, December 30, and December 31, 1929, respectively, the United States attorney filed in the United States District Court libels praying seizure and condemnation of 1,600 cases of canned sardines, in various lots at Aberdeen, Columbus, and Starkville, Miss., respectively, alleging that the article had been shipped by the Gurnet Fisheries Co., from New York, N. Y., on or about October 5, 1929, and had been transported from the State of New York into the State of Mississippi, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Gurnet Brand American Sardines * * * Packed By Gurnet Fisheries Co., Plymouth, Mass."

It was alleged in the libels that the article was adulterated in that it consisted wholly or in part of a filthy, decomposed, and putrid animal substance.

On October 6, 1930, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*