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]

30901–30950

FOODS

[Approved by the Acting Secretary of Agriculture, Washington, D. C., January 22, 1940]

30901. Adulteration and misbranding of canned crab meat. U. S. v. 19 Cases and 81 Cases of Seaside Brand Fancy Crab Meat. Decrees of condemnation and forfeiture. Product released under bond for relabeling. (F. & D. Nos. 43499, 43500. Sample Nos. 17929–D, 17930–D.)

Excessive brine was found in sample cans of this product, and the cans were found to contain less than the amount stated upon the label.

On August 26, 1938, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 100 cases of canned crab meat at San Francisco, Calif.; alleging that the article had been shipped in interstate commerce on or about June 18, 1938, by the Seaside Clam Co. from Astoria, Oreg.; and charging adulteration and misbranding under the Food and Drugs Act. The article was labeled in part: "Seaside Brand Fancy Crab Meat Net Contents 6½ Oz. Packed by E. C. Dunning for Seaside Clam Co., Seaside, Oregon."

The article was alleged to be adulterated in that brine had been substituted wholly or in part for the article.

The article was alleged to be misbranded in that the statement, "Net Contents 6½ Oz.," was false and misleading and tended to deceive and mislead the purchaser. It was alleged to be misbranded further in that it was food in package form and the quantity of contents was not plainly and conspicuously marked on the outside of the packages, since the quantity stated was incorrect.

On October 6, 1938, E. C. Dunning having appeared as claimant, judgment of condemnation and forfeiture was entered, and the product was released to claimant under bond conditioned that the crab meat should not be sold or otherwise disposed of contrary to law. It was relabeled: "Net Wt. 5¾ Oz. * * * Wet Pack in Salt Water."

GROVER B. HILL, *Acting Secretary of Agriculture.*

30902. Adulteration of buckwheat flour. U. S. v. 20 Bales, each containing 10 5-Pound Bags of Buckwheat Flour (and 3 other seizure actions against buckwheat flour). Default decrees of condemnation and destruction. (F. & D. Nos. 44788, 44789, 44790, 44792. Sample Nos. 32370–D, 32372–D, 32373–D, 32380–D.)

Microscopic examination of samples taken from 3 lots of this product showed the presence of jimsonweed seeds, a deleterious ingredient. Chemical analysis of the remaining lot showed the presence of atropine alkaloids the source of which was probably jimsonweed seeds.

On February 9, 1939, the United States attorney for the Southern District of Illinois, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 260 5-pound bags and 12 100-pound sacks of buckwheat flour at Peoria and Bloomington, Ill.; alleging that the article had been shipped in interstate commerce within the period from on or about December 7, 1938, to on or about January 12, 1939, by Loughry Bros. Milling & Grain Co. from Monticello, Ind.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Pure Buckwheat Flour Monticello Mills."

It was alleged to be adulterated in that it contained added deleterious ingredients which might have rendered it injurious to health.

On July 18 and 26, 1939, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

GROVER B. HILL, *Acting Secretary of Agriculture.*