

**27657. Adulteration of canned salmon. U. S. v. 57 Cases and 792 Cases of Canned Salmon (and five other seizure actions against the same product. Decrees of condemnation. Product released under bond. (F. & D. Nos. 38285, 38318, 38333, 38443, 39220, 39902. Sample Nos. 4003-C, 4005-C, 4008-C, 4012-C, 4017-C, 4020-C, 4022-C, 4326-C, 4420-C, 10743-C, 10745-C, 10746-C, 35580-C, 35681-C, 35686-C, 35687-C.)**

This product was in part decomposed.

On September 11, 17, and 22, October 20, 1936, March 15, and June 23, 1937, the United States attorney for the Northern District of California, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 4,616 cases of canned salmon at San Francisco, Calif., alleging that the article had been shipped in interstate commerce on or about August 12, 1936, by the Red Salmon Canning Co. in part from Naknek, Alaska, and in part from Bristol Bay, Alaska, and charging adulteration in violation of the Food and Drugs Act. Portions of the article were labeled: (Cans) "Deep Sea Brand [or "Pirate Brand"] \* \* \* Packed by Red Salmon Canning Co."; or "Army and Navy Brand Red Alaska Sockeye Salmon \* \* \* Packed by Naknek Packing Co., at Bristol Bay \* \* \* Alaska." Portions were labeled: (Cases) "Lucille Brand [or "Deep Sea"] \* \* \* Packed By Red Salmon Canning Co., Office San Francisco, Calif."

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

On May 18, 24, and 25, and July 14, 1937, the Red Salmon Canning Co. having appeared as claimant, judgments of condemnation were entered, and the product was ordered released under bond conditioned that it should not be disposed of in violation of the Federal Food and Drugs Act.

M. L. WILSON, *Acting Secretary of Agriculture.*

**27658. Adulteration and misbranding of milk mineral salts. U. S. v. 22 Drums of De-Raef Milk Mineral Salts. Tried to the court. Judgment for the Government. Product condemned and released under bond to be relabeled. (F. & D. No. 38484. Sample No. 6609-C.)**

This product was labeled to convey the impression that it consisted of mineral salts derived from milk. Analysis showed that it consisted largely of dextrose, which is not a mineral salt and is not derived from milk.

On November 4, 1936, the United States attorney for the Southern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 22 drums of De-Raef Milk Mineral Salts at Houston, Tex., alleging that the article had been shipped in interstate commerce on or about September 23, 1936, by the De-Raef Corporation from Kansas City, Mo., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "De-Raef Milk Mineral Salts The Foster Mother of the World, De-Raef Corporation, \* \* \* Kansas City, Mo."

It was alleged to be adulterated in that a product consisting largely of dextrose had been mixed and packed with it so as to reduce or lower its quality or strength, and had been substituted for milk mineral salts, which it purported to be.

It was alleged to be misbranded in that the statement "Milk Mineral Salts" was false and misleading and tended to deceive and mislead the purchaser when applied to a mixture consisting largely of dextrose, which is not a mineral salt and is not derived from milk; and in that it was offered for sale under the distinctive name of another article, namely, milk mineral salts.

On April 8, 1937, the De-Raef Corporation having appeared as claimant and a jury having been waived, the evidence on behalf of the Government and claimant was heard by the court. On June 22, 1937, judgment was entered for the Government sustaining all charges. On August 7, 1937, a decree of condemnation was entered and the court ordered the product released under bond conditioned that it be properly relabeled.

M. L. WILSON, *Acting Secretary of Agriculture.*

**27659. Adulteration and misbranding of Jelly-Kwik. U. S. v. 64 Cartons of Jelly-Kwik. Default decree of condemnation and destruction. (F. & D. No. 38515. Sample Nos. 9261-C to 9266-C, incl.)**

The grape, passion fruit, quince, and black currant varieties of these products were adulterated and misbranded because they were labeled to convey the impression that they contained the essential ingredients of jellies, whereas they consisted of dextrose, pectin, tartaric acid, added color, and artificial flavors

with little or no fruit juice; the orange variety was misbranded because it was labeled to indicate that it contained orange juice flavor, whereas it contained no orange juice flavor; and the mint variety was misbranded because it was labeled "Pure Fruit Flavor" but contained no fruit flavor. The labels of all products failed to bear a plain and conspicuous statement of the quantity of contents.

On November 7, 1936, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 64 cartons of Jelly-Kwik at New Haven, Conn., alleging that the article had been shipped in interstate commerce on or about July 29, 1936, by California Jelly-Kwik Co. from Burbank, Calif., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The articles were variously labeled in part: "Grape [or "Orange," "Mint," "Passion Fruit," "Quince," or "Black Currant"] Flavor."

The grape, passion fruit, quince, and black currant flavors were alleged to be adulterated in that mixtures of dextrose, pectin, tartaric acid, added color, and artificial flavor had been substituted for mixtures of the essential ingredients of jellies, which they purported to be; and in that the articles had been mixed and colored in a manner whereby inferiority was concealed.

The grape, passion fruit, quince, and black currant flavors were alleged to be misbranded in that the following statements were false and misleading and tended to deceive and mislead the purchaser when applied to ingredients intended to be used in making jellies but which would not make jellies and which contained little or no fruit juice: "California Jelly-Kwik \* \* \* Pure Fruit Flavor \* \* \* Grape [or "Passion Fruit," "Quince," or "Black Currant"] Flavor No Fruit Juice Needed "; "Cover With paraffin if jelly is to be kept To make firmer jelly"; "Contents makes six glasses of real home-made Jelly." The orange flavor was alleged to be misbranded in that statements on the label substantially the same as those of the labels of the other products, were false and misleading when applied to an article that contained no orange juice flavor; the mint flavor was alleged to be misbranded in that the statement on the label "Pure Fruit Flavor" was false and misleading and tended to deceive and mislead the purchaser when applied to an article that contained no pure fruit flavor; all varieties were alleged to be misbranded further in that they were food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages, since the statement "Net Weight One Ounce" appeared only in a relatively inconspicuous manner on the back panels.

On July 13, 1937, no claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**27660. Adulteration and misbranding of jams. U. S. v. Anna Myers Pure Foods, Inc. Plea of guilty. Fine, \$180 of which \$130 was suspended. (F. & D. No. 38654. Sample Nos. 8809-C, 8810-C, 8813-C, 9300-C.)**

These products all contained less fruit and more sugar than jams should contain. Some lots contained added acid and some contained both added acid and added pectin.

On June 11, 1937, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Anna Myers Pure Foods, Inc., Passaic, N. J., alleging shipment by said defendant in violation of the Food and Drugs Act on or about August 18 and September 21, 1936, from the State of New Jersey into the State of Connecticut of quantities of jams that were adulterated and misbranded. The articles were labeled in part: "Mrs. Anna Myers Pure Food Products, Newark, N. J. \* \* \* Pure Home Made Blackberry [or "Cherry," "Raspberry," or "Damson Plum"] Jam."

The articles were alleged to be adulterated in that sugar in the case of the damson plum and a part of the raspberry jams; sugar and acid in the case of the remainder of the raspberry jam and the blackberry jam; and sugar, acid, and pectin in the case of the cherry jam, had been mixed and packed with them so as to reduce and lower their quality; in that articles inferior to jams had been mixed in a manner whereby their inferiority to jams was concealed; and in that mixtures of fruit containing less fruit and more sugar than jams contain (the blackberry and part of the raspberry containing added acid and the cherry containing added acid and pectin), had been substituted for the blackberry, cherry, raspberry, and damson plum jams respectively, which they purported to be.