

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]

22676-22875

[Approved by the Acting Secretary of Agriculture, Washington, D. C., February 6, 1935]

22676. Adulteration of butter. U. S. v. 25 Cubes of Butter. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 28685. Sample no. 299-A.)

This case involved a shipment of butter that contained less than 80 percent by weight of milk fat. The product was also filthy and decomposed.

On July 30, 1932, 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 25 cubes of butter at San Francisco, Calif. On August 12, 1932, an amended libel was filed. It was alleged in the amended libel that the article had been shipped in interstate commerce, on or about July 23, 1932, by the Commercial Creamery Co., of Spokane, Wash., from Portland, Oreg., and that it was adulterated in violation of the Food and Drugs Act.

The amended libel charged that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as provided by the act of Congress of March 4, 1923; and in that it consisted in part of a filthy, decomposed, or putrid animal substance.

On September 27, 1934, the case having been called and the default of all persons having been entered, the product was condemned and forfeited and ordered destroyed by the United States marshal.

M. L. WILSON, Acting Secretary of Agriculture.

22677. Misbranding of vanilla extract. U. S. v. Leonard D. Darnell (Valo Products Co.). Plea of guilty. Fine, \$10. (F. & D. no. 29480. I. S. no. 31664.)

This case was based on a shipment of a product which was represented to be pure vanilla extract, but which consisted of a hydroalcoholic solution of vanillin, artificially colored with caramel and containing little or no true vanilla. The article also was deficient in alcohol.

On November 11, 1933, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Leonard D. Darnell, a member of a firm trading as the Valo Products Co., Kansas City, Mo., alleging shipment by said defendant in violation of the Food and Drugs Act, on or about September 22, 1931, from the State of Missouri into the State of New Mexico, of a quantity of vanilla extract which was misbranded. The article was labeled in part: "Pure Vanilla Extract * * * Alcohol not over 50% * * * Distributed by Valo Products Co. Kansas City, Mo."

It was alleged in the information that the article was misbranded in that the statement "Pure Vanilla Extract", borne on the label, was false and misleading, and for the further reason that it was labeled so as to deceive and mislead the purchaser, since it was not pure vanilla extract, but was an artificially colored imitation of vanilla extract. Misbranding was alleged for the further reason that the article was an imitation of another article, namely, vanilla extract, and was offered for sale under the distinctive name of another article, vanilla extract. Misbranding was alleged for the further reason that the statement on the label, "Alcohol not over 50%", was misleading in that it

represented that the article contained approximately 50 percent of alcohol, whereas it contained not more than 37 percent of alcohol.

On September 7, 1934, the defendant entered a plea of guilty and the court imposed a fine of \$10.

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

22678. Adulteration of canned tuna. U. S. v. Van Camp Sea Food Co., Inc. Plea of guilty. Fine, \$25. (F. & D. no. 29530. I. S. no. 43155.)

This case was based on an interstate shipment of canned tuna which was found to be in part tainted or stale.

On March 28, 1933, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Van Camp Sea Food Co., Inc., a corporation, Los Angeles, Calif., alleging shipment by said company in violation of the Food and Drugs Act, on or about February 4, 1932, from the State of California into the State of Pennsylvania, of a quantity of canned tuna which was adulterated. The article was labeled in part: "Chicken of the Sea Brand Fancy Tuna * * * Packed By Van Camp Sea Food Company, Inc., Main Office Terminal Island, Los Angeles Harbor, Cal."

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

On July 23, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$25.

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

22679. Adulteration of canned tuna. U. S. v. Halfhill Packing Corporation, Ltd., and Harry J. Halfhill. Pleas of guilty. Fine, \$25. (F. & D. no. 30136. I. S. no. 43163.)

This case was based on a shipment of canned tuna which was in part decomposed.

On September 29, 1933, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Halfhill Packing Corporation, Ltd., a corporation, and Harry J. Halfhill, of Los Angeles, Calif., alleging shipment by said defendants, in violation of the Food and Drugs Act, on or about February 19, 1932, from the State of California into the State of Pennsylvania, of a quantity of canned tuna which was adulterated. The article was labeled in part: "Kellogg's Brand Supreme Quality White Meat Tuna Fish * * * H. Kellogg & Sons, Distributors, Philadelphia."

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

On September 7, 1934, the defendant Harry J. Halfhill entered a plea of guilty for himself and on behalf of the defendant company, and the court imposed a joint fine of \$25.

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

22680. Adulteration of canned shrimp. U. S. v. 63 Cases, et al., of Canned Shrimp. Default decrees of condemnation, forfeiture, and destruction. (F. & D. nos. 30702, 30733, 30763. Sample nos. 25936-A, 37419-A, 37422-A.)

These cases involved shipments of canned shrimp which were found to be in part decomposed.

On July 8, 14, and 22, 1933, the United States attorney for the Eastern District of Washington, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 245 cases of canned shrimp at Spokane, Wash., alleging that the article had been shipped in interstate commerce, in part on or about May 11, 1933, and in part on or about May 15, 1933, by Kuluz Bros. Packing Co., Inc., from Biloxi, Miss., and charging adulteration in violation of the Food and Drugs Act. A portion of the article was labeled: "Sea Horse Brand Shrimp * * * Kuluz Bros. Packing Co., Inc., Biloxi, Miss." The remainder was labeled in part: "High Tide Dry Pack Shrimp."

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