

12288. Adulteration of walnut meats. U. S. v. 25 Boxes of Walnut Meats. Decree of condemnation. Product released under bond to be reconditioned. (F. & D. Nos. 18242, 18243. I. S. Nos. 20760-v, 20761-v, 20762-v. S. No. W-1456.)

On December 27, 1923, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States for said district a libel praying the seizure and condemnation of 25 cases of walnut meats, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the Davis Nut Shelling Co., Los Angeles, Calif., December 6, 1923, and transported from the State of California into the State of Washington, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of a filthy and decomposed vegetable substance.

On January 16, 1924, the Imperial Candy Co., Seattle, Wash., having appeared as claimant for the property and having admitted the allegations of the libel and confessed judgment, a decree of condemnation was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$500, in conformity with section 10 of the act, conditioned in part that the product be reconditioned under the supervision of and to the satisfaction of this department.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12289. Adulteration and misbranding of canned salmon. U. S. v. 521 Cases, et al., of Salmon. Consent decrees of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 17753, 17761, 18016. I. S. Nos. 11485-v, 11490-v, 20687-v. S. Nos. W-1411, W-1414, W-1438.)

On August 31, September 5, and November 15, 1923, respectively, the United States attorney for the Western District of Washington, acting upon reports by the Secretary of Agriculture, filed in the district court of the United States for said district libels praying the seizure and condemnation of 1,274 cases of salmon, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the F. C. Barnes Co., from Lake Bay, Alaska, in part August 14 and in part September 29, 1923, and transported from the Territory of Alaska into the State of Washington, and charging adulteration with respect to a portion of the article, and adulteration and misbranding with respect to the remainder thereof, in violation of the food and drugs act. One lot of the product consigned August 14 was labeled in part: (Case) "Dollar Brand Fancy Salmon Packed in Alaska for F. C. Barnes Co., Portland, Ore. * * *." The remaining lot, consigned August 14, was labeled in part: (Can) "Red Seal Brand * * * Salmon." The lot consigned September 29 was labeled in part: (Case) "Defender Brand Red Cohoe Salmon, fine quality packed by F. C. Barnes Co., Portland, Oregon, at Lakebay, Alaska;" (can) "Defender * * * Brand Red Cohoe * * * Salmon."

Adulteration was alleged with respect to the product involved in all the consignments for the reason that it consisted wholly or in part of a filthy, decomposed, and putrid animal substance.

Misbranding was alleged with respect to the product consigned September 29 for the reason that the word, "Red," appearing on the label was false and misleading and deceived and misled the purchaser, since the article was not red salmon. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article.

On February 13, 1924, the F. C. Barnes Co., claimant, having admitted the allegations of the libels and consented to the entry of decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of bonds in the aggregate sum of \$3,000, in conformity with section 10 of the act, conditioned in part that it be sorted under the supervision of this department and the bad portion destroyed.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12290. Adulteration and misbranding of oats. U. S. v. 222 Sacks of Oats. Decree of condemnation and forfeiture. Product ordered sold, with proviso that it might be released under bond to be re-labeled. (F. & D. No. 18600. I. S. No. 18034-v. S. No. C-4339.)

On April 19, 1924, the United States attorney for the Eastern District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States for said district a libel praying the seizure