

13114. Adulteration of canned salmon. U. S. v. 900 Cases of Salmon in Cans. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 17399. I. S. No. 4803-v. S. No. C-3956.)

On March 23, 1923, the United States attorney for the Western District of Kentucky, 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 900 cases of canned salmon, remaining in the original unbroken packages at Louisville, Ky., consigned by Fidalgo Island Packing Co., Vancouver, B. C., from Mobile, Ala., February 8, 1923, alleging that the article had been shipped from Mobile, Ala., and transported from the State of Alabama into the State of Kentucky, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Zachary Taylor Brand Pink Salmon."

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

On February 10, 1925, the Fidalgo Island Packing Co. having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation and forfeiture 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 good and sufficient bond, in conformity with section 10 of the act, conditioned in part that the bad portion be separated from the good portion under the supervision of this department, and the bad portion destroyed.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13115. Misbranding of tankage. U. S. v. 300 Sacks of Hyklass Digester Tankage. Default decree of condemnation and sale, with proviso that product might be taken down under bond by owner. (F. & D. No. 18421. I. S. No. 17709-v. S. No. C-4306.)

On March 11, 1924, the United States attorney for the Southern District of Iowa, 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 300 sacks of Hyklass digester tankage, at Moravia, Iowa, alleging that the article had been shipped by the Rogers By-Products Co., Aurora, Ill., on or about February 2, 1924, and transported from the State of Illinois into the State of Iowa, and charging misbranding in violation of the food and drugs act. The article was labeled in part: (Sack) "100 Lbs. Net Hyklass Digester Tankage Guaranteed Analysis Protein 60% * * * Made By Rogers By-Products Co. Aurora, Ill."

Misbranding of the article was alleged in substance in the libel for the reason that the labels on the said sacks bore the statement that the contents thereof contained 60 per cent of protein, which statement was false and misleading and deceived and misled purchasers, in that the contents of the said sacks did not contain 60 per cent of protein.

On October 15, 1924, no claimant having appeared for the property, judgment of condemnation was entered, and it was ordered by the court that the product be sold, without labels, by the United States marshal. The decree provided further that the product might be released to the owner upon the execution of a bond within 30 days from the entry of said decree, conditioned in part that the product be relabeled to show the correct protein content.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13116. Adulteration of canned salmon. U. S. v. 499 Cases of Salmon. Decree entered, ordering product released under bond to be reconditioned. (F. & D. No. 19046. I. S. No. 12665-v. S. No. E-4974.)

On or about October 9, 1924, the United States attorney for the Eastern District of Virginia, 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 499 cases of salmon, remaining unsold in the original packages at Norfolk, Va., alleging that the article had been shipped by the A. & P. Products Corp., Seattle, Wash., on or about August 8, 1924, and transported from the State of Washington into the State of Virginia, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Iona Brand Pink Salmon Packed * * * By The A & P Products Corporation. Alaskan Canneries * * * Pink Salmon."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, putrid, or decomposed animal substance.

On November 26, 1924, the Great Atlantic & Pacific Tea Co. having appeared as claimant for the property, judgment of the court was entered, ordering that the product be released to the said claimant upon the execution of a bond in the sum of \$1,000, conditioned in part that the product be salvaged and recanned under the supervision of and to the satisfaction of this department, and it was further ordered that upon failure of the claimant to comply with the conditions of the decree the Government recover the costs of the proceedings not theretofore paid.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13117. Misbranding and alleged adulteration of canned tomatoes. U. S. v. 200 Cases of Canned Tomatoes. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 19178. I. S. No. 15552-v. S. No. E-5019.)

On November 19, 1924, the United States attorney for the Western District of New York, 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 200 cases of canned tomatoes, remaining in the original unbroken packages at Buffalo, N. Y., consigned by Thos. Roberts & Co., McDaniel, Md., alleging that the article had been shipped on or about October 3, 1924, and transported from the State of Maryland into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Can) "Iona Brand Tomatoes."

Adulteration of the article was alleged in the libel for the reason that a substance, added water, had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality or strength and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statement "Tomatoes," appearing in the labeling, was false and misleading and deceived and misled the purchaser, and for the further reason that the article was offered for sale under the distinctive name of another article.

On February 20, 1925, Thos. Roberts & Co. (Inc.), McDaniel, Md., having appeared as claimant for the property and having consented to the entry of a decree, judgment of the court was entered, finding the product misbranded and ordering its condemnation, and it was further ordered by the court that the said product be delivered to the claimant to be relabeled and repacked under the supervision of this department upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13118. Adulteration and misbranding of evaporated apples. U. S. v. 100 Cases of Evaporated Apples. Decree of condemnation. Product released under bond. (F. & D. No. 19488. I. S. Nos. 13858-v, 13859-v. S. No. E-4906.)

On January 13, 1925, the United States attorney for the District of Massachusetts, 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 100 cases of evaporated apples, remaining in the original unbroken packages at Boston, Mass., alleging that the article had been shipped by the A. B. Williams Fruit Co., from Sodus, N. Y. December 15, 1924, and transported from the State of New York into the State of Massachusetts, and charging adulteration and misbranding in violation of the food and drugs act. A portion of the article was labeled in part: "Choice Queen Quality Evaporated Apples Sulphured A. B. Williams Fruit Co. Sodus Wayne Co. * * * New York State Fruit." The remainder of the said article was labeled in part: "Puritan Brand Extra Fancy New York State Evaporated Ring Apples Bleached With Sulphur Dioxide A. B. Williams Fruit Co. Sodus, Wayne Co. N. Y."

Adulteration of the article was alleged in the libel for the reason that a substance, water, had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality, and for the further reason that water had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statements "Choice Queen Quality Evaporated Apples" and "Extra Fancy Evaporated Ring Apples,"