

On February 16, 1925, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

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

13243. Adulteration and misbranding of canned tomatoes. U. S. v. 992 Cartons of Canned Tomatoes. Consent decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. No. 19382. I. S. No. 9613-v. S. No. C-4046.)

On December 15, 1924, the United States attorney for the Northern District of Ohio, 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 992 cartons of canned tomatoes, at Canton, Ohio, alleging that the article had been shipped by the H. J. McGrath Co., Baltimore, Md., on or about October 13, 1924, and transported from the State of Maryland into the State of Ohio, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Can) "McGrath's Tomatoes Champion Brand Packed by The H. J. McGrath Co. Baltimore, Md. U. S. A. Contents 1 Lb. 3 Oz."

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

Misbranding was alleged for the reason that the label bore the statement "Contents 1 Lb. 3 Oz.," which was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On or about April 2, 1925, the H. J. McGrath Co., Baltimore, Md., 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 it be relabeled in compliance with the law.

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

13244. Adulteration of canned salmon. U. S. v. 998 Cases of Salmon. Product ordered released under bond to be used as fertilizer. (F. & D. No. 15925. I. S. No. 935-t. S. No. C-3387.)

On November 22, 1921, 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 and condemnation of 998 cases of salmon, at Athens, Tenn., alleging that the article had been shipped by W. R. Beatty & Co., Vancouver, B. C., Canada, on September 22, 1921, and transported in interstate commerce, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Kay-Square Brand Select Pink Salmon Inspected Kenai Packing Co. Seattle, Wash.," (case) "4 Dozen 1 Pound Talls Pink Salmon, Packed by Kenai Packing Co., Drier Bay, Alaska."

Adulteration of the article was alleged in the libel for the reason that it consisted in large part, if not wholly, of a filthy, decomposed, and putrid animal substance, unfit for human consumption.

On March 16, 1925, the Jim Anderson Co., Knoxville, Tenn., claimant, having represented to the court that it was impossible to recondition the product to the satisfaction of this department so that it would be fit for consumption as food, judgment of the court was entered, ordering that the said product be released to the claimant upon payment of the costs of the proceedings and the execution of a good and sufficient bond, to be sold or disposed of as fertilizer.

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

13245. Adulteration of walnuts in shell. U. S. v. 64 Bags of Walnuts in Shell. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 19095. I. S. No. 13172-v. S. No. E-4984.)

On October 29, 1924, the United States attorney for the Southern 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 64 bags of walnuts in shell, remaining in the