

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 1,671 cases of canned salmon, in various lots at Princeton, Welch, and Keystone, W. Va., respectively, alleging that the article had been shipped by the Canadian Bank of Commerce, from British Columbia, in part October 22, 1922, and in part during November, 1922, and had been transported from a foreign country into the State of West Virginia, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Beauclaire Brand Alaska Chum Salmon" (or "Blanchard Brand Alaska Pink Salmon") "Packed By Beauclaire Packing Co., Port Beauclerc, Alaska."

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

On June 13, 1925, the Beauclaire Packing Co., Port Beauclerc, Alaska, having appeared as claimant for the property and having paid the costs of the proceedings and executed a bond in the sum of \$1,500, in conformity with section 10 of the act, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant to be shipped to Seattle, Wash., and segregated and reconditioned under the supervision of this department, and the portion found fit for human consumption released and the remainder disposed of in accordance with law.

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

13653. Adulteration and misbranding of evaporated apples. U. S. v. 24 Cases of Evaporated Apples. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 19880. I. S. No. 13597-v. S. No. E-5161.)

On March 11, 1925, the United States attorney for the District of Connecticut, 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 24 cases of evaporated apples, remaining in the original unbroken packages at Hartford, Conn., alleging that the article had been shipped by the Gilbert Apple Products Co., Brighton, N. Y., on or about January 2, 1925, and transported from the State of New York into the State of Connecticut, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Cook Well Brand New York State Evaporated Apples Packed By Gilbert Apple Products Co. Inc., Rochester, N. Y."

Adulteration of the article was alleged in the libel for the reason that excessive moisture 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 labels of the cases containing the article bore the statement "Evaporated Apples," which 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 April 22, 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.*

13654. Misbranding and alleged adulteration of vinegar. U. S. v. 54 Barrels of Vinegar. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 15407. I. S. No. 319-t. S. No. C-3250.)

On October 1, 1921, the United States attorney for the Eastern District of Wisconsin, 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 54 barrels of vinegar, remaining in the original unbroken packages at Milwaukee, Wis., alleging that the article had been shipped by the Douglas Packing Co., Rochester, N. Y., on or about August 24, 1921, and transported from the State of New York into the State of Wisconsin, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Douglas Packing Co. Excelsior Brand Apple Cider Vinegar Made From Selected Apples * * * Rochester, N. Y. Guaranteed to Comply With All Pure Food Laws."

Adulteration of the article was alleged in the libel for the reason that a product made from evaporated or dried apple products had been mixed and packed with and substituted wholly or in part for apple cider vinegar, which the said article purported to be.

Misbranding was alleged in substance for the reason that the labels on the barrels containing the article bore the statements: "Apple Cider Vinegar Made From Selected Apples. Guaranteed To Comply With All Pure Food Laws," which was false and misleading, in that the said article was not cider vinegar but was a mixture of vinegar made from evaporated and dried apples. Misbranding was alleged for the further reason that the article was an imitation of and offered for sale under the distinctive name of another article, to wit, apple cider vinegar.

On April 18, 1925, the Douglas Packing Co., Rochester, N. Y., having appeared as claimant for the property and the case having been submitted to the court on the pleadings and statements of attorneys, a decree was entered, adjudging the product to be misbranded and ordering its condemnation and forfeiture, and it was further 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.

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

13655. Misbranding and alleged adulteration of canned tuna fish. U. S. v. 12 Cases and 8½ Cases of Tuna Fish. Default decrees of destruction. (F. & D. Nos. 19962, 19963. I. S. Nos. 14740-v, 14742-v. S. No. C-4699.)

On April 3, 1925, 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 libels praying the seizure and condemnation of 20½ cases of tuna fish, remaining in the original unbroken packages at Knoxville, Tenn., alleging that the article had been shipped by the M. DeBruyn Importing Co., New York, N. Y., in various consignments, namely, on or about December 11, 1924, and February 19 and 20, 1925, respectively, and transported from the State of New York into the State of Tennessee, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Can) "Selected Quality * * * Juanita Brand California Tuna Standard All Light Meat."

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

Misbranding was alleged for the reason that the statement "California Tuna Standard All Light Meat" was false and misleading and deceived and misled the purchaser, and in that the article was offered for sale under the distinctive name of another article.

On May 25, 1925, no claimant having appeared for the property, decrees of the court were entered, adjudging the product to be misbranded and ordering its destruction by the United States marshal.

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

13656. Misbranding of butter. U. S. v. 177 Prints of Butter. Default decree of condemnation, forfeiture, and sale. (F. & D. No. 19845. I. S. No. 17407-v. S. No. E-5142.)

On March 2, 1925, the United States attorney for the District of Maryland, 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 177 prints of butter, remaining in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped by the Fred C. Mansfield Co., from Princeton, Wis., February 3, 1925, and transported from the State of Wisconsin into the State of Maryland, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Parchment wrapper) "One Pound Net."

Misbranding was alleged for the reason that the statement "One Pound Net," borne on the labels, was false and misleading and deceived and misled the purchaser, and for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.