

13665. Adulteration of canned salmon. U. S. v. 1,136 Cases of Salmon. Default decree of condemnation and forfeiture. Product released for fish food. (F. & D. No. 17283. I. S. No. 2611-r. S. No. W-289.)

On or about February 2, 1924, 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 1,136 cases of salmon, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the Columbia Salmon Co., from Craig, Alaska, about August 8, 1918, and transported from the Territory of Alaska into the State of Washington, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Table Pride Brand Alaska Pink Salmon Packed In Alaska By Lindenberger Packing Co. Seattle, Wash."

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

On April 28, 1924, 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 delivered to the State of Washington Fisheries Department to be used as fish food upon payment of the sum of \$227.20.

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

13666. Adulteration and misbranding of evaporated apples. U. S. v. 48 Cases of Evaporated Apples. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 19943. I. S. No. 17265-v. S. No. E-5258.)

On March 30, 1925, 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 48 cases of evaporated apples, remaining unsold in the original packages at Norfolk, Va., alleging that the article had been shipped by M. O. Engleson & Co., from Williamson, N. Y., in various lots, namely, November 14 and December 8 and 15, 1924, respectively, and transported from the State of New York into the State of Virginia, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Choice Engleson Brand Evaporated Apples Packed By M. O. Engleson & Co., Williamson, N. Y. U. S. A."

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 and strength and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the designation "Evaporated Apples" was false and misleading and deceived and misled the purchaser, and for the further reason that it was offered for sale under the distinctive name of another article.

On June 30, 1925, M. O. Engleson & Co., Inc., Williamson, N. Y., having appeared as claimant for the property, 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 bond in the sum of \$500, in conformity with section 10 of the act, conditioned in part that it be relabeled after proper redrying.

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

13667. Adulteration of canned cherries. U. S. v. 43 Cases of Canned Cherries. Decree entered, ordering product released under bond. (F. & D. No. 19531. I. S. No. 17125-v. S. No. E-5107.)

On January 26, 1925, 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 43 cases of canned cherries, at Fairport, N. Y., alleging that the article had been shipped from Bethlehem, Pa., on or about January 10, 1925, and transported from the State of Pennsylvania into the State of New York, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Pride Of Egypt Brand Red Sour Pitted Cherries * * * Guaranteed And Distributed by Egypt Canning Co., Inc. Egypt, N. Y."

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

On March 25, 1925, the Egypt Canning Co., Fairport, N. Y., claimant, having admitted the allegations of the libel and having executed a good and sufficient bond, in conformity with section 10 of the act, an order of the court was entered, providing that the product be released to the said claimant and that it be disposed of according to the decision of this department.

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

13668. Adulteration of canned raspberry jam. U. S. v. 6 Cases of Raspberry Jam. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 18774. I. S. No. 20206-v. S. No. W-1515.)

On June 7, 1924, the United States attorney for the District of Montana, 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 6 cases of raspberry jam, at Helena, Mont., alleging that the article had been shipped by the California Packing Corp., San Francisco, Calif., on or about December 15, 1923, and transported from the State of California into the State of Montana, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Sun-Kist Brand Raspberry Jam. * * * California Packing Corporation * * * San Francisco California."

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

On March 26, 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.*

13669. Misbranding of cottonseed meal. U. S. v. 48 Sacks of Cottonseed Meal. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 19015. I. S. No. 2470-v. S. No. E-4949.)

On September 24, 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 48 sacks of cottonseed meal, remaining in the original unbroken packages at Buffalo, N. Y., consigned by the South Texas Cotton Oil Co., Victoria, Tex., alleging that the article had been shipped from Victoria, Tex., August 30, 1924, and transported from the State of Texas into the State of New York, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Tag) "100 Lbs. (Net) 43% Protein Cottonseed Meal Prime Quality Manufactured by South Texas Cotton Oil Company Victoria, Texas Guaranteed Analysis: Crude Protein not less than 43.00 Per Cent * * * Crude Fiber not more than 12.00 Per Cent."

Misbranding of the article was alleged in the libel for the reason that the statements "100 Lbs. (Net) 43% Protein Cottonseed Meal Prime Quality * * * Guaranteed Analysis: Crude Protein not less than 43.00 Per Cent * * * Crude Fiber not more than 12.00 Per Cent" were 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.

On April 24, 1925, the Humphreys-Godwin 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 bond in the sum of \$250, in conformity with section 10 of the act, and it was further ordered that the product be repacked and relabeled under the supervision of this department.

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

13670. Misbranding of cottonseed meal. U. S. v. 48 Sacks of Cottonseed Meal. Default decree of condemnation, forfeiture, and sale. (F. & D. No. 19059. I. S. No. 2471-v. S. No. E-4979.)

On September 24, 1924, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in