

Misbranding was alleged for the reason that the statements on the cases, "Packed by Pacific Northwest Canning Company, Puyallup, Washington," and on the cans, "Packed by Puyallup and Sumner Fruit Growers Canning Company, Canneries at Sumner, Puyallup and Spokane, Washington," were false and misleading and deceived and misled the purchaser, since the product was neither produced nor packed in the state of Washington.

On June 4, 1930, 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.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17657. Adulteration and misbranding of canned tuna. U. S. v. 17 Cases, et al., of Canned Tuna Fish. Products ordered released under bond to be reconditioned. (F. & D. Nos. 24470, 24473. I. S. No. 025377. S. No. 2707.)

Samples of canned tuna fish from the herein described interstate shipment having been found to contain decomposed fish and to be short weight, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of Alabama.

On January 21, 1930, the said United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 22 cases of canned tuna fish at Mobile, Ala., alleging that the article had been shipped by the Cohn-Hopkins Co., from Los Angeles, Calif., on or about October 26, 1929, and had been transported from the State of California into the State of Alabama, and charging misbranding in violation of the food and drugs act as amended. On April 23, 1930, amendments were filed to the said libels charging that the product was also adulterated. The article was labeled in part: "White Seal Brand California Tuna Light Meat Contents 7 oz. Packed by Cohn-Hopkins, Inc. Quality Packers, San Diego, Calif."

It was alleged in the libels, as amended, that the article was adulterated in that it consisted wholly or in part of filthy, decomposed, and putrid fish.

Misbranding was alleged for the reason that the statement on the label, "7 oz.," was false and misleading and deceived and misled the purchaser, in that the said statement represented that the cans contained 7 ounces of the article, whereas the contents of each can weighed less than 7 ounces. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On August 1, 1930, Cohn-Hopkins (Inc.), Los Angeles, Calif., claimant, having admitted the allegations of the libels and having filed bonds in the sum of \$200, binding themselves to recondition the product, decrees were entered ordering that the product be released to the said claimant for reconditioning under the supervision of this department, and that the claimant pay costs.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17658. Adulteration and misbranding of butter. U. S. v. 27 Boxes of Butter. Consent decree of condemnation. Product released under bond. (F. & D. No. 24663. I. S. No. 025584. S. No. 2940.)

Samples of butter from the herein described interstate shipment having been found to contain less than the legal requirement of milk fat, namely, less than 80 per cent of milk fat, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of New York.

On February 28, 1930, the said United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 27 boxes of butter, remaining in the original unbroken packages at Buffalo, N. Y., consigned by the Fosse Produce Co., La Porte City, Iowa, alleging that the article had been shipped from La Porte City, Iowa, February 12, 1930, and had been transported from the State of Iowa 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: "Admiral Creamery Butter—Pasteurized * * * C. A. Fosse, La Porte City, Iowa."

It was alleged in the libel that the article was adulterated in that a product containing less than 80 per cent of milk fat had been substituted for butter.

Misbranding was alleged for the reason that the article was labeled as butter, which was false and misleading, since it contained less than 80 per cent of milk fat.