

20123. Adulteration of canned blackberries. U.S. v. 99 Cases of Canned Blackberries. Default decree of destruction entered. (F. & D. No. 27747. I.S. No. 47649. S. No. 5836.)

This action involved the shipment of a quantity of canned blackberries, samples of which were found to be decomposed.

On February 13, 1932, 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 the district aforesaid a libel praying seizure and condemnation of 99 cases of canned blackberries, remaining in the original packages at Louisville, Ky., alleging that the article had been shipped in interstate commerce on or about November 1, 1931, by Puyallup & Sumner Fruit Growers Association, Puyallup, Wash., from Tacoma, Wash., to Louisville, Ky., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Cans) "Fruitfull Cultivated Evergreen Blackberries, Packed by Puyallup & Sumner Fruit Growers Ass'n., Puyallup, Wn."

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed vegetable substance.

On August 20, 1932, no claimant having appeared for the property, judgment was entered by the court ordering that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20124. Adulteration of canned salmon. U.S. v. 900 Cases of Canned Salmon. Decree of condemnation entered. Product released under bond to be segregated, and unfit portion destroyed. (F. & D. No. 28371. Sample No. 1048-A.)

This action involved the shipment of a quantity of canned salmon, a part of which was found to be decomposed.

On June 2, 1932, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 900 cases of canned salmon, remaining in the original unbroken packages at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about February 29, 1932, by G. P. Halferty, from Seattle, Wash., to Los Angeles, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Cans) "Quail Brand Pink Salmon."

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed animal substance.

The Pioneer Packing Co., Seattle, Wash., appeared as claimant and admitted the allegations of the libel, but alleged that certain portions only were in violation of the law and that such unfit portions could be identified and segregated from the sound and edible portions. On July 6, 1932, judgment was entered condemning the product as adulterated. The claimant having filed a release bond conditioned according to law, the court ordered that the said product be released for the purpose of segregating for destruction the unfit portion. On August 26, 1932, 314 cases of the product having been segregated and destroyed, final decree was entered ordering that the release of the portion found fit for general distribution be made permanent and the bond exonerated.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20125. Adulteration of dried grapes. U.S. v. 25 Cases of Dried Grapes. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 28448. Sample No. 626-A.)

This action involved the interstate shipment of a quantity of dried grapes, samples of which were found to be dirty and moldy.

On July 2, 1932, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 25 cases of dried grapes, remaining in the original unbroken packages at Portland, Oreg., alleging that the article had been shipped in interstate commerce on or about June 17, 1932, by Rosenberg Bros. & Co., from San Francisco, Calif., to Portland, Oreg., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "California Dried Zinfandel Grapes."

It was alleged in the libel that the article was adulterated in that it consisted in part of filthy or decomposed vegetable substance.

On September 17, 1932, 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. G. TUGWELL, *Acting Secretary of Agriculture.*

20126. Misbranding of canned cherries. U.S. v. 39 Cases of Canned Cherries. Consent decree of condemnation. Product released under bond. (F. & D. No. 27967. I.S. No. 32557. S. No. 6017.)

This action involved the shipment of a quantity of canned cherries that fell below the standard promulgated by the Secretary of Agriculture for such canned food, and that were not labeled as substandard. In a portion of the article the labels on the cans bore no declaration of the quantity of the contents.

On March 30, 1932, the United States attorney for the District of Kansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 39 cases of canned cherries, remaining in the original unbroken packages at Goodland, Kans., alleging that the article had been shipped in interstate commerce on or about February 22, 1932, by the Kuner Pickle Co., from Brighton, Colo., to Goodland, Kans., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Can) "Kuner's Red Pitted Cherries * * * Kuner Pickle Co. * * * Brighton, Colo." A portion of the cans bore the statement "Contents 1 lb.;" the remainder bore no statement of the quantity of the contents.

It was alleged in the libel that the article was misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture, since the liquid portion read less than 16 degrees Brix and its package or label did not bear a plain and conspicuous statement prescribed by the Secretary, indicating that it fell below such standard. Misbranding was alleged for the further reason that the article was food in package form and some of the cans failed to bear a plain and conspicuous statement of the quantity of the contents.

On August 23, 1932, the Kuner Pickle Co., Brighton, Colo., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered by the court that the product be released to the said claimant upon the execution of a bond in the sum of \$300, conditioned that it be relabeled, that it should not be disposed of in violation of the Federal Food and Drugs Act, and that claimant pay costs.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20127. Adulteration of canned shrimp. U.S. v. 400 Cases of Canned Shrimp. Default decree of destruction entered. (F. & D. No. 28275. I.S. No. 54356. S. No. 6125. Sample No. 10238-A.)

This action involved the shipment of a quantity of canned shrimp that was found to be in part decomposed.

On May 7, 1932, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 400 cases of canned shrimp, remaining in the original unbroken packages at Brooklyn, N.Y., alleging that the article had been shipped in interstate commerce on or about January 27, 1932, by the United Rice Milling Products Co., Inc., from New Orleans, La., to Brooklyn, N.Y., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Starbrite Brand Fancy Shrimp Packed by United Packing Co., New Orleans, La."

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed animal substance.

On September 17, 1932, permission having been granted the United Rice Milling Products Co., Inc., New Orleans, La., to withdraw its claim of ownership and stipulation for costs filed June 6, 1932, default was noted and judgment was entered by the court ordering that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*