

Bros. Co. Inc., Portland, Oregon", was false and misleading and deceived and misled the purchaser.

On November 16, 1932, no claimant having appeared for the property, judgment of 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.*

20533. Adulteration of canned salmon. U. S. v. 102 Cases, et al., of Salmon. Consent decree of condemnation and forfeiture. Product released under bond for separation and destruction of unfit portion. (F. & D. no. 29091. Sample nos. 5192-A, 5193-A, 5194-A, 5195-A.)

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

On or about October 24, 1932, the United States attorney for the Northern District of Illinois, 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 131 cases of canned salmon at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about August 18, 1932, by F. A. Gosse Co., from Seattle, Wash., to Chicago, Ill., and charging adulteration in violation of the Food and Drugs Act. A portion of the article was labeled in part: (Can) "Seabest Alaska Red * * * Salmon." The remainder was unlabeled.

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

On December 5, 1932, the Superior Packing Co. and Martin C. White, claimants, having admitted the allegations of the libel 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 claimants for separation and destruction of the unfit portion, upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned that it should not be sold or disposed of contrary to the provisions of the Food and Drugs Act and all other laws.

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

20534. Adulteration and misbranding of Egggrowwhite. U. S. v. 1½ Barrels, et al., of Egggrowwhite. Default decrees of condemnation, forfeiture, and destruction. (F. & D. nos. 12120, 12579. I. S. nos. 9529-r, 17365-r. S. nos. C-1879, E-1941.)

These cases involved two shipments of Egggrowwhite, a product which was labeled to convey the impression that it was an egg product, and which upon examination was found to consist of about equal parts of dried egg albumen and starch. The article also contained saponin, which might have rendered it injurious to health.

On January 26, 1920, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the District of Columbia, holding a District Court, a libel praying seizure and condemnation of one and one half barrels of Egggrowwhite at Washington, D.C., alleging that the article had been shipped on or about December 4, 1919, by the International Co., from Baltimore, Md. to Washington, D.C. On April 9, 1920, the United States attorney for the Eastern District of Louisiana filed a libel against one barrel of the same product, charging that it had been shipped on or about February 11, 1920, by the S. N. Long Warehouse Co., from East St. Louis, Ill., to New Orleans, La. Both libels charged that the article was adulterated and misbranded in violation of the Food and Drugs Act.

It was alleged in the libels that the article was adulterated in that starch and saponin had been mixed and packed therewith and had been substituted in part for the said article. Adulteration was alleged for the further reason that the article had been mixed in a manner whereby inferiority was concealed, and in that it contained an added poisonous or added deleterious ingredient which might have rendered it injurious to health. Adulteration was alleged with respect to the product seized at Washington, D.C., for the further reason that a valuable constituent of the article, egg albumen, had been in part abstracted.

Misbranding of the product seized at Washington, D. C., was alleged for the reason that the statements on the containers, "Egg Products Egggrowwhite * * * Bakers & Confectioners Specialties", were false and misleading, and deceived and misled the purchaser into the belief that the article was an egg product, whereas it was a product containing other substances, namely,

starch and saponin; and for the further reason that it was an imitation of and was offered for sale under the distinctive name of another article, namely, "Egg Products." Misbranding was alleged with respect to the product seized at New Orleans, La., for the reason that it was an imitation of another article, "Egg White."

On February 19, 1920, the International Co., Baltimore, Md., and M. Holzbeierlein, Washington, D. C., entered appearances in the case instituted in the District of Columbia, denying the material allegations of the libel and praying dismissal of the case. The respondents, however, having failed to file claims and stipulations for costs, on October 6, 1932, the court entered judgment dismissing the answers, condemning and forfeiting the product, and ordering that it be destroyed by the United States marshal. No formal appearance was made in the New Orleans case and on February 12, 1923, judgment of condemnation, forfeiture, and destruction was entered.

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

20535. Adulteration of caraway seed. U. S. v. 1 Bag of Caraway Seed. Default decree of condemnation and destruction. (F. & D. no. 28713. Sample no. 8671-A.)

This action involved a shipment of caraway seed which was found to be contaminated with rodent excreta.

On August 18, 1932, the United States attorney for the Western District of Pennsylvania, 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 one bag of caraway seed, remaining in the original unbroken packages at Pittsburgh, Pa., consigned by the Great Atlantic & Pacific Tea Co., New York, N. Y., alleging that the article had been shipped in interstate commerce on or about July 15, 1932, from New York, N. Y., to Pittsburgh, Pa., and charging adulteration in violation of the Food and Drugs Act.

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

On December 19, 1932, no claimant having appeared for the property, judgment of condemnation 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.*

20536. Adulteration and misbranding of dried black cherries. U. S. v. 312 Cases of Dried Cherries. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 28643. Sample no. 11536-A.)

The product in this case consisted of dried black cherries which were in part decomposed and moldy. A portion of the cases were not labeled to show the quantity of the contents.

On August 11, 1932, 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 the district aforesaid a libel praying seizure and condemnation of 312 cases of dried cherries at New York City, N.Y., alleging that the article had been shipped in interstate commerce on or about July 12, 1932, by the California Dried Fruit & Nut Co., Lawrence, Calif., from San Francisco, Calif., to New York, N.Y., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Case) "Net Weight Lbs. Lawrence Brand Santa Clara Ex. Fancy Black Cherries Packed by Calif. Dried Fruit & Nut Co. Lawrence, Calif." A portion of the cases bore the statement "25 lbs." The remainder bore no statement of weight.

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

Misbranding of a portion of the article was alleged for the 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 November 18, 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.*