

On January 10, 1933, 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.*

20689. Misbranding of canned salmon. U. S. v. 650 Cartons of Canned Salmon. Decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. no. 30795. Sample no. 50113-A.)

This case involved a shipment of canned salmon that was labeled to convey the impression that it was red salmon and which was found to consist of coho or medium red salmon, and, in a few instances, chinook salmon.

On July 31, 1933, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court a libel praying seizure and condemnation of 650 cartons of canned salmon at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about July 24, 1933, by the Fishermen's Packing Corporation, from Everett, Wash., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Avondale Brand medium Red Salmon tender."

It was alleged in the libel that the article was misbranded in that the emphasized statement "Red Salmon" was false and misleading and deceived and misled the purchaser thereof.

On August 17, 1933, the Kroger Grocery & Baking Co., Cincinnati, Ohio, 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 claimant for relabeling upon payment of costs and the execution of a bond in the sum of \$2,000, conditioned that it be relabeled under the supervision of this Department.

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

20690. Adulteration of canned pumpkin. U. S. v. 57 Cases and 3 Cans of Canned Pumpkin. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29633. Sample no. 33455-A.)

This case involved an interstate shipment of canned pumpkin that was under-processed and decomposed.

On December 14, 1932, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States a libel praying seizure and condemnation of 57 cases and 3 cans of canned pumpkin, remaining in the original unbroken packages at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce, on or about April 21 and April 22, 1932, by William Laning & Son Co., from Bridgeton, N. J., to Philadelphia, Pa., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Silver Lake Brand Fancy Pumpkin * * * Packed by Wm. Laning & Son Co., Bridgeton, * * * N. J."

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

On February 1, 1933, 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.*

20691. Adulteration of apples. U. S. v. 100 Bushels of Apples. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29640. Sample no. 28387-A.)

This action involved the interstate shipment of a quantity of apples that bore arsenic and lead in amounts which might have rendered them injurious to health.

On November 18, 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 100 bushels of apples at Chicago, Ill., alleging that the article had been shipped in interstate commerce on September 30, 1932, by Bill Nicolson, from Covert, Mich., to Chicago, Ill., 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 contained added poisonous or deleterious ingredients, arsenic and lead, in amounts which might have rendered the article harmful to health.

On April 4, 1933, 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.*

20692. Adulteration of celery. U. S. v. 340 Crates of Celery. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. no. 29714. Sample no. 26548-A.)

This case involved a quantity of celery that was found to bear arsenic in an amount which might have rendered it injurious to health.

On January 4, 1932, 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 aforesaid, holding a District Court, a libel praying seizure and condemnation of 340 crates of celery, remaining in the original unbroken packages at Washington, D. C., alleging that the article had been shipped by H. P. Garin Co., Los Angeles, Calif., on or about December 19, 1932, and had been transported from the State of California into the District of Columbia, 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 contained an added poisonous or deleterious ingredient, arsenic, which might have rendered it harmful to health.

On June 6, 1933, the H. P. Garin Co., Los Angeles, Calif., claimant, 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 said claimant upon payment of costs and the execution of a bond in the sum of \$850, conditioned that it should not be sold or otherwise disposed of contrary to the provisions of the Federal Food and Drugs Act. The portion of the article that was found unfit for human consumption was segregated and destroyed.

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

20693. Adulteration of apples. U. S. v. 147 Bushels of Apples. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. no. 29727. Sample no. 26771-A.)

This case involved an interstate shipment of apples that were found to bear arsenic in an amount which might have rendered them injurious to health.

On or about December 14, 1932, the United States attorney for the Northern District of Ohio, 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 147 bushels of apples at Toledo, Ohio, alleging that the article had been shipped in interstate commerce on or about November 17, 1932, by George W. Haxton & Son, Inc., from Model City, N. Y., to Toledo, Ohio, 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 contained an added poisonous or deleterious ingredient, arsenic, which might have rendered the article injurious to health.

On January 25, 1933, George T. Giha, Toledo, Ohio, claimant, 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 claimant for segregation and destruction of the unfit portion, upon payment of costs and the execution of a bond in the sum of \$500, conditioned that the article should not be disposed of in violation of the Food and Drugs Act, and all other laws.

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

20694. Adulteration of apples. U. S. v. 300 Boxes and Crates of Apples. Product adjudged adulterated and ordered released under bond. (F. & D. no. 29677. Sample no. 18038-A.)

This case involved an interstate shipment of apples that bore arsenic and lead in amounts which might have rendered them injurious to health.

On or about November 23, 1932, 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 a libel praying seizure and condemnation of 300 boxes and crates of apples at Conrad, Mont., alleging that the article had been shipped in interstate commerce on or about October 12, 1932, by E. H. Pfaff, from Wenatchee, Wash., into the State of Montana and charging adulteration in violation of the Food and Drugs Act.