

21128. Adulteration of canned tuna fish. U. S. v. 99 Cases of Tuna Fish. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 28433. Sample no. 8853-A.)

This case involved an interstate shipment of canned tuna fish that was in part decomposed.

On June 25, 1932, 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 a libel praying seizure and condemnation of 99 cases of tuna fish at Buffalo, N.Y., alleging that the article had been shipped in interstate commerce on May 18, 1932, by Hunt Bros. Packing Co., from San Francisco, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Brest-O-Chicken Brand * * * Tuna Fish Extra Fancy * * * Packed by Westgate Sea Products Company, San Diego, California."

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

On June 26, 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.

M. L. WILSON, *Acting Secretary of Agriculture.*

21129. Adulteration of canned salmon. U. S. v. 3,500 Cases of Canned Salmon, more or less. Product released under bond for separation and destruction of adulterated portion. (F. & D. no. 29001. Sample nos. 25117-A, 26126-A.)

This case involved a shipment of canned salmon, samples of which were found to be in part decomposed.

On October 4, 1932, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of approximately 3,500 cases of canned salmon at Alameda, Calif. On May 4, 1933, the libel was amended to cover only that portion of the goods in unlabeled tall cans coded E 11, followed by an anchor in a vertical position pointing upward. It was alleged in the libel as amended that the article had been shipped by the Alaska Packers Association, from Bristol Bay, Alaska, to Alameda, Calif., on or about August 8 and August 22, 1932, and that it was adulterated in violation of the Food and Drugs Act.

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

On May 29, 1933, the Alaska Packers Association, having appeared as claimant for the portion of the product seized, consisting of approximately 1,200 cases, judgment was entered ordering that it be released to the claimant upon payment of costs and the execution of a bond in the sum of \$7,200. The bond was conditioned that all decomposed salmon be destroyed and that the wholesome portion be recanned subject to inspection and approval by this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*

21130. Adulteration of canned salmon. U. S. v. Kadiak Fisheries Co. Plea of guilty. Fine, \$50 and costs. (F. & D. no. 28182. I. S. nos. 34725, 36201, 38907.)

This case was based on interstate shipments of canned salmon, samples of which were found to be decomposed.

On January 16, 1933, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Kadiak Fisheries Co., a corporation, Seattle, Wash., alleging the interstate shipment of various lots of canned salmon which had been guaranteed by the defendant company as complying with the Federal Food and Drugs Act, and which were in fact adulterated. The information alleged that the E. H. Hamlin Co., Seattle, Washington, had shipped on or about August 14, 1931, from the State of Washington into the State of Pennsylvania, and on or about September 4, 1931, from the State of Washington into the State of Massachusetts, quantities of canned salmon; that the R. E. Cotter Co. trading at Seattle, Wash., had shipped on or about August 15, 1931, from the State of Washington into the State of California, and thence into the State of Kansas, a quantity of canned salmon; that the defendant company, prior to said shipments, had delivered to the said shippers invoices