

**21901. Adulteration and misbranding of canned salmon. U. S. v. 600 Cartons of Canned Salmon. Decree of condemnation and forfeiture. Product released under bond for destruction of decomposed portion and relabeling of remainder. (F. & D. no. 31018. Sample nos. 39608-A, 47001-A.)**

This action involved a quantity of canned salmon, which was labeled to convey the impression that it was red salmon but which was found to consist of coho salmon, a different variety. The article was variously coded. Samples taken from one of the codes were found to be decomposed.

On August 28, 1933, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 600 cartons of canned salmon at Boston, Mass., alleging that the article had been shipped in interstate commerce on or about July 3, 1933, by the F. A. Gosse Co., from Seattle, Wash., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Can) "Red Breast Brand Salmon Fancy Outlet Natural Red Color and Oil \* \* \* Distributed by F. A. Gosse Company Seattle, Wash."

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

Misbranding was alleged for the reason that the word "Red", displayed prominently in the brand name, and the statement, "Natural Red Color and Oil", on the label, were false and misleading and deceived and misled the purchaser, since they inferred that the article was red salmon, whereas it was coho salmon, a different species.

On January 8, 1934, the Fishermen's Packing Corporation, Everett, Wash., claimant, having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$6,000. It was further ordered that the decomposed portion be destroyed, and that the remainder be relabeled to show its true nature, namely, coho salmon.

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

**21902. Misbranding of canned cherries. U. S. v. 70 Cases of Canned Cherries. Consent decree of forfeiture. Product released under bond to be relabeled. (F. & D. no. 31029. Sample no. 45687-A.)**

This case involved an interstate shipment of canned cherries packed in a solution which contained insufficient sugar to bring the liquid portion up to the standard for canned cherries prescribed by the Secretary of Agriculture and which was not labeled to indicate that it was substandard. Sample cans taken from the shipment were found to contain less than the labeled weight.

On August 31, 1933, the United States attorney for the Northern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 70 cases of canned cherries at South Bend, Ind., alleging that the article had been shipped in interstate commerce on or about July 22, 1933, by the Berrien Packing Co., from St. Joseph, Mich., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Sunset Gold Brand Contents One Lb. Five Oz. Fancy Red Pitted Cherries."

It was alleged in substance in the libel that the article was misbranded in that the labels bore statements which were false and misleading, since the article was substandard and since the cans contained less than 1 pound 5 ounces as declared on the label.

On October 3, 1933, Simon Bros., South Bend, Ind., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$150, conditioned that it be relabeled under the supervision of this Department.

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

**21903. Adulteration and misbranding of prune juice. U. S. v. 12 Cases of Sunsweet Juice of the Tenderized Prune. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31035. Sample no. 37356-A.)**

This case involved a product labeled to convey the impression that it consisted of the natural juice of fresh prunes. Examination showed that the