

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

On April 5, 1934, 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.*

22278. Adulteration of confectionery. U. S. v. 37 Boxes of Confectionery. Default decree of condemnation. Product destroyed. (F. & D. no. 32011. Sample no. 50544-A.)

This case involved an interstate shipment of confectionery which contained alcohol.

On February 20, 1934, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 37 boxes of confectionery at Cleveland, Ohio, alleging that the article had been shipped in interstate commerce on or about January 25, 1934, by H. L. Caplan & Co., Inc., from Baltimore, Md., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated under the provisions of the law relating to confectionery, in that it contained spirituous liquor.

On April 21, 1934, no claimant having appeared for the property, judgment was entered finding the product adulterated and subject to condemnation, and it was ordered by the court that it be disposed of under such terms and conditions as were not in violation of the Food and Drugs Act. The product was destroyed.

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

22279. Adulteration of canned salmon. U. S. v. 1,000 Cases of Canned Salmon. Product released under bond. (F. & D. no. 27584. I.S. no. 21100. S. no. 5616.)

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

On December 23, 1931, the United States attorney for the Northern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 1,000 cases of canned salmon, at Atlanta, Ga., alleging that the article had been shipped in interstate commerce on or about November 25, 1931, by Libby, McNeill & Libby, from Seattle, Wash., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Can) "Happy-Vale Brand Pink Salmon * * * Packed for Emery Food Co. Chicago, U. S. A. Packed in Alaska."

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

On January 22, 1932, the Emery Food Co. having appeared as claimant and having filed an answer admitting that a portion of the product was adulterated, a decree was entered ordering that it be released to the claimant upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned that it should not be disposed of in violation of the Food and Drugs Act and all other laws. On April 16, 1934, the court having found that the product had been examined and that 246 cases had been segregated as containing decomposed salmon, it was ordered that the claimant might ship the said 246 cases to Seattle, Wash., for further examination and segregation under the supervision of this Department.

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

22280. Adulteration of tomato puree. U. S. v. 3,450 Cans of Tomato Puree. Default decree of condemnation and destruction. (F. & D. no. 31839. Sample no. 50493-A.)

This case involved a shipment of tomato puree which was found to contain decomposed material.

On January 16, 1934, the United States attorney for the Southern District of Indiana, acting upon a report by the Secretary of Agriculture filed in the district court a libel praying seizure and condemnation of 3,450 cans of tomato puree at Terre Haute, Ind., alleging that the article had been shipped on or about January 5, 1934, by the Macke Packing Co., from Wapakoneta, 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 consisted wholly or in part of a decomposed vegetable substance.

On April 2, 1934, 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.

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

22281. Adulteration of sardines. U. S. v. 84 Cartons of Canned Sardines. Consent decree of condemnation and destruction. (F. & D. no. 31840. Sample no. 61678-A.)

This case involved a shipment of canned sardines which were in part decomposed.

On January 16, 1934, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 84 cartons of canned sardines at Pittsburgh, Pa., alleging that the article had been shipped by the California Packing Corporation, from San Francisco, Calif., on or about November 15, 1933, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Argo California Sardines * * * California Packing Corporation, San Francisco, California."

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

On April 4, 1934, the sole intervener, the California Packing Corporation, having requested that the case be allowed to go by default, judgment of condemnation 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.*

22282. Adulteration and misbranding of olives. U. S. v. 419 Cases of Olives. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31846. Sample no. 65301-A.)

This case involved a shipment of olives which were found to be in part wormy. Examination also showed that the drained weight of the olives was less than 8 ounces, the weight declared on the label.

On January 19, 1934, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 419 cases of olives at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about August 24, 1933, by John Magee & Co., Inc., from Saybrook, Conn., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Selected Olives Packed by John Magee and Co., Inc., Eight Fl. Oz. New York."

It was alleged in the libel that the article was adulterated in that excessive brine had been substituted in part for the article, and in that it consisted in part of a filthy vegetable substance.

Misbranding was alleged for the reason that the statement, "Eight Fl. Oz.", borne on the label, was false and misleading and deceived and misled the purchaser, and for the further 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, since the quantity stated was incorrect.

On April 17, 1934, 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.*

22283. Misbranding of canned peaches. U. S. v. 19 Cases of Canned Peaches. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31867. Sample no. 60523-A.)

This case involved a shipment of canned peaches which were below the standard established by this Department, and which were not labeled to show that they were substandard.

On January 20, 1934, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 19 cases of canned peaches at Seattle, Wash., alleging that the article had been shipped in interstate commerce, on or about December 28, 1933, by Hunt Bros. Packing Co., from San Francisco, Calif., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Can) "Premio Brand Yellow Cling Peaches, Packed by Hunt Brothers Packing Company, San Francisco, Calif."