

be. Misbranding was alleged for the reason that the statements, "Honey Malt Chocolate Flavor" and "Net Wt. 1 Lb.", were false and misleading and tended to deceive and mislead the purchaser. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article, 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 not correct.

On December 21, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

25688. Adulteration of canned salmon. U. S. v. 5,044 Cases and 861 Cases of Canned Salmon. Consent decree of condemnation. Product released under bond. (F. & D. nos. 36606, 36658. Sample nos. 40818-B, 40828-B, 53654-B, 53695-B, 54495-B.)

These cases involved canned salmon which was in part decomposed.

On November 6 and November 21, 1935, the United States attorney for the Western District of Washington, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 5,905 cases of salmon at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about July 23 and August 21, 1935, by the San Juan Fishing & Packing Co., from Port San Juan, Alaska, and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed animal substance.

On December 27, 1935, the San Juan Fishing & Packing Co., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, and the cases having been consolidated, judgment of condemnation was entered and it was ordered that the product be released under bond, conditioned that it should not be sold or otherwise disposed of contrary to the provisions of the Federal Food and Drugs Act.

W. R. GREGG, *Acting Secretary of Agriculture.*

25689. Misbranding of honey. U. S. v. Thirty-three 5-Pound Pails and Thirty 21-Ounce Jars of Honey, and other cases. Default decrees of condemnation. Product ordered delivered to charitable or relief organizations. (F. & D. nos. 36628 to 36631, incl., 36648. Sample nos. 42519-B, 42553-B, 42554-B, 50427-B, to 50430-B, incl., 50432-B.)

These cases involved various shipments of honey that were short in weight.

On November 18, November 21, and November 25, 1935, the United States attorney for the Middle District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of one hundred and sixty-seven 5-pound pails, five hundred and fifty-two 21-ounce jars, eighty-four 12-ounce jars, and one hundred and forty-four 7½-ounce jars of honey in various lots, at Lakewood, Carbondale, Scranton, and Wilkes-Barre, Pa., alleging that the article had been shipped in interstate commerce between the dates of December 10, 1934, and October 28, 1935, by L. E. Rogers, from Binghamton, N. Y., and charging misbranding in violation of the Food and Drugs Act as amended. A portion of the article was labeled: "5 Lbs. [or "21 oz." or "12 ozs.]" Net Wgt. Pure Honey Put up by L. E. Rogers * * * Binghamton, N. Y." The remainder was labeled: "Wilco Brand Honey Contents 7½ Oz. Avoir. [or "21 Ounces"] Distributed by Williams Bros. & Co. Wilkes Barre, Pa."

The article was alleged to be misbranded in that the statements on the labels, "5 Lbs. Net Wgt.", "21 Ozs. Net Wgt.", "12 Ozs. Net Wgt.", "Contents 7½ Oz. Avoir.", and "Contents 21 Ounces", were false and misleading and tended to deceive and mislead the purchaser. Misbranding was alleged for the further reason that the article 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 statement made was incorrect.

On December 30, 1935, and January 3, 1936, no claimant having appeared, judgments of condemnation were entered and it was ordered that the product be delivered to charitable or relief organizations.

W. R. GREGG, *Acting Secretary of Agriculture.*