

25690. Adulteration of canned salmon. U. S. v. 5,325 Cases of Canned Salmon, and other actions. Decrees of condemnation. Portion of product released under bond; remainder ordered destroyed. (F. & D. nos. 36542, 36600, 36619, 36620, 36625, 36626, 36627, 36641, 36643, 36649, 36651, 36652, 36691, 36695, 36699, 36700, 36719, 36720, 36799, 36909. Sample nos. 40633-B, 40634-B, 40636-B, 40638-B, 40646-B to 40649-B, incl., 41409-B, 43497-B, 47187-B, 49069-B, 50131-B, 50287-B, 50288-B, 50440-B, 51774-B, 52004-B, 52355-B, 52356-B, 52357-B, 52359-B, 52360-B, 52361-B, 52364-B, 52372-B, 52374-B, 52375-B.)

These cases involved canned salmon that was in part decomposed.

On October 28, 1935, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 5,325 cases of canned salmon at Astoria, Oreg. Between the dates of November 6, 1935, and January 3, 1936, libels were filed against a total of 4,618 cases of canned salmon in various lots at Pittsburgh, Pa.; Keokuk, Burlington, Muscatine, Davenport, Clinton, Cedar Rapids, Waterloo, and Ottumwa, Iowa; Wellsville, Albany, Rochester, Troy, and Herkimer, N. Y.; Omaha, Nebr.; Boston, Mass.; St. Paul, Minn.; and St. Louis, Mo. The libels alleged that the article had been shipped in interstate commerce by the Columbia River Packers Association in part on or about August 18, 1935, from Alaska into the State of Oregon and in part between the dates of August 23 and October 21, 1935, from Astoria, Oreg., into the States of Pennsylvania, Iowa, New York, Nebraska, Massachusetts, Minnesota, and Missouri, respectively, and that it was adulterated in violation of the Food and Drugs Act. Portions of the article were labeled variously: "Esquimaux Brand [or "West Coast Brand", "Commerce Brand", "Fishermens Brand", or "Bear Brand"] * * * Packed by Columbia River Packers Assn. * * * Astoria Oregon"; "Rare Treat Brand Fancy Pink Salmon"; "Heart's Delight Brand * * * Packed for Scoville, Brown & Co., Wellsville, N. Y."; "Big Value Brand * * * Distributors S. Hamill Company, Keokuk, Iowa." The remainder was unlabeled.

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

On December 13, 1935, no claim having been entered for the lot seized at Pittsburgh, Pa., judgment of condemnation was entered and it was ordered that the said lot be destroyed. Between the dates of November 12 and March 27, 1936, the Columbia River Packers Association, Astoria, Oreg., Scoville, Brown & Co., Wellsville, N. Y.; Rochester Grocery Co., Rochester, N. Y.; W. W. Wilson Co., Troy, N. Y.; Herkimer County Grangers Exchange, Inc., Herkimer, N. Y.; Albany Wholesale Grocery Co., Albany, N. Y.; Griggs Cooper Co., St. Paul, Minn.; and Max Rabinovitz, Boston, Mass., having intervened in the remaining cases and having filed claims for their respective portions of the product, judgments of condemnation were entered and it was ordered that the product be released under bond, conditioned that it should not be disposed of in violation of the law.

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

25691. Adulteration of canned salmon. U. S. v. 2,725 Cases of Canned Salmon, and other actions. Consent decree of condemnation. Product released under bond. (F. & D. nos. 36642, 36647, 36679, 36701, 36718. Sample nos. 53670-B, 53674-B, 53691-B, 53692-B, 54477-B, 54478-B, 54479-B, 54492-B, 54563-B, 54564-B.)

These cases involved interstate shipments of canned salmon which was in part decomposed.

On November 18, November 20, November 26, December 4, and December 6, 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 6,884 cases of canned salmon at Seattle, Wash., alleging that the article had been shipped in interstate commerce in various shipments on or about August 6, August 14, and September 17, 1935, by the Peril Straits Packing Co., from Todd, 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 Peril Straits 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.*

25692. Adulteration of tomato puree. U. S. v. 50 Cases of Tomato Puree. Default decree of condemnation and destruction. (F. & D. no. 36653. Sample no. 26984-B.)

This case involved tomato puree which contained filth resulting from worm infestation.

On November 23, 1935, the United States attorney for the Eastern 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 50 cases of tomato puree at Brooklyn, N. Y., alleging that the article had been shipped in interstate commerce on or about October 26, 1935, by the Howard Terminal, from Oakland, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Hollister Brand Tomato Puree * * * Packed by Hollister Canning Co., Hollister, Cal."

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

On January 10, 1936, 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.*

25693. Adulteration of tomato puree. U. S. v. 3,500 Cases of Tomato Puree. Default decree of condemnation and destruction. (F. & D. no. 36664. Sample nos. 49497-B, 49610-B.)

This case involved canned tomato puree that contained filth resulting from worm infestation.

On November 27, 1935, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 3,500 cases of canned tomato puree at Camden, N. J., alleging that the article had been shipped in interstate commerce on or about February 27, 1935, by the Greco Canning Co., from San Jose, Calif., 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 filthy vegetable substance.

On April 2, 1936, 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.*

25694. Misbranding of canned tuna fish. U. S. v. 125 Cases and 326 Cases of Canned Tuna Fish. Consent decree of condemnation. Product released under bond for relabeling. (F. & D. nos. 36685, 36686. Sample nos. 50280-B to 50283-B, incl.)

These cases involved canned tuna fish that was short in weight.

On December 2, 1935, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 125 cases of tuna fish at Hoboken, N. J., and 326 cases of tuna fish at Jersey City, N. J., alleging that the article had been shipped in interstate commerce on or about September 27, 1935, by Van Camp Sea Food Co., Inc., from Terminal Island, Calif., and charging misbranding in violation of the Food and Drugs Act as amended.

A portion of the article was labeled: "Mission Brand Tuna Light Meat Weight 7 Oz. Net * * * Packed by Van Camp Sea Food Co. Inc." The remainder was labeled: "Contents 7 Oz. Avoir. Filigree Light Meat Tuna Fish Packed for Hudson Wholesale Grocery Co. * * * Jersey City, N. J."

The article was alleged to be misbranded in that the statements, "Weight 7 Oz. Net" and "Contents 7 Oz. Avoir.", borne on the labels, were false and misleading and tended to deceive and mislead the purchaser; and for the further reason that the article was food in package form and the quantity of contents was not plainly and conspicuously marked on the outside of the package since the statement made was incorrect.

On February 7, 1936, the Van Camp Sea Food Co., claimant, having admitted the allegations of the libels and having consented to the entry of decrees, judgments of condemnation were entered and it was ordered that the product be released under bond conditioned that it be relabeled under the supervision of this Department.

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