

the package or label did not bear a plain and conspicuous statement indicating that such canned food fell below such standard.

On January 3, 1936, the Cherry Growers Packing Co., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be relabeled.

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

**25909. Adulteration of walnut meats. U. S. v. 100 Cases of Walnut Meats. Consent decree of condemnation. Product released under bond for reconditioning; reconditioning unsuccessful and product destroyed. (F. & D. no. 36790. Sample no. 54418-B.)**

This case involved an interstate shipment of walnut meats examination of which showed the presence of moldy, wormy, and rancid meats.

On December 13, 1935, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 100 cases of walnut meats at Whittier, Calif., alleging that the article had been shipped in interstate commerce on or about December 5, 1935, by the Whittier Walnut Packing Co., from Seattle, Wash., and that it was adulterated in violation of the Food and Drugs Act. The article was labeled: "Twenty-five Pounds Net Weight when packed Bakers Special Walnut Meats Order Whittier Walnut Packing Co. Whittier California."

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

On January 24, 1936, the Whittier Walnut Packing Co., claimant having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that the product be reconditioned; and after unsuccessful attempts to recondition the product it was destroyed.

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

**25910. Adulteration and misbranding of strawberry and raspberry preserves. U. S. v. 30 Cartons, et al., of Alleged Strawberry and Raspberry Preserves. Default decrees of condemnation and destruction in two cases. Consent decree of condemnation, and product ordered released under bond to be relabeled in one case. (F. & D. nos. 36795, 36796, 36797. Sample nos. 43769-B to 43775-B, incl., 44101-B to 44105-B, incl.)**

These cases involved interstate shipments of so-called preserves which were found to be deficient in fruit and to contain added pectin.

On December 16, 1935, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court three libels praying seizure and condemnation of 257 cartons of so-called strawberry and so-called raspberry preserves at Boston, Mass., alleging that the articles had been shipped in interstate commerce, on or about October 14 and 25, and November 12, 1935, by the Velmo Co., from New York, N. Y., and that they were adulterated and misbranded in violation of the Food and Drugs Act. The articles contained in jars were labeled: "Velmo Brand Pure Preserves Strawberry [or "Raspberry"] 1 Lb. Net weight [or "2 Lbs. Net Weight"] The Velmo Company New York, N. Y."

It was alleged that the articles were adulterated in that mixtures of sugar, water, and pectin had been mixed and packed with the articles so as to reduce and lower and affect their quality; in that mixtures of fruit, sugar, pectin, and moisture, containing less fruit than preserves, had been substituted for preserves; and in that mixtures of sugar, water, and pectin had been mixed with the articles in a manner whereby inferiority was concealed.

It was alleged that the articles were misbranded in that the statements on the labels, "Pure Preserves Strawberry" or "Pure Preserves Raspberry", as the case might be, were false and misleading, and tended to deceive and mislead the purchaser when applied to products resembling preserves but which contained less fruit than preserves; and in that the articles were imitations of and offered for sale under the distinctive names of other articles.

On March 24, 1936, the United Service Stores, Inc., having appeared as claimant and admitted the allegations of the libel in one of the three cases, judgment of condemnation was entered in said case and it was ordered that the products be released under bond conditioned that they be relabeled.

On March 30, 1936, no claimant having appeared in the remaining two cases, judgments of condemnation were entered and it was ordered that the products in said two cases be destroyed.

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

**25911. Adulteration of wine. U. S. v. 383 Bottles of Wine. Default decree of condemnation and destruction.** (F. & D. no. 36798. Sample nos. 40847-B, 40848-B, 40849-B, 40850-B, 40851-B.)

This case involved an interstate shipment of wine which contained fluorine. On December 16, 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 383 bottles of wine at Portland, Oreg., alleging that the article had been shipped in interstate commerce, on or about December 19, 1934, by Coast Wineries, Inc., from Yakima, Wash., and that it was adulterated in violation of the Food and Drugs Act. The article was labeled variously as follows: (One lot of 60 bottles) "Ambrosia Red Table Wine Contents 24 Fluid Ounces. Alcoholic Content not over 14% by volume. Made from Grapes and Apples"; (lot of 60 bottles) "Ambrosia White Table Wine Contents 24 Fluid Ounces. Alcoholic Content not over 14% by volume. Made from Grapes and Apples"; (lot of 120 bottles) "Red Wine Artificially carbonated Contents 12 Fluid Ounces. Alcoholic Content not over 14% by volume. Made from Grapes and Apples"; (lot of 120 bottles) "White Wine Artificially Carbonated. Contents 12 Fluid Ounces. Alcoholic Content not over 14% by volume. Made from Grapes and Apples"; (lot of 23 bottles) "Muscatel Artificially Carbonated. Contents 12 Fluid Ounces. Alcoholic Content not over 14% by volume."

The article was alleged to be adulterated in that it contained an added poisonous or deleterious ingredient, fluorine, which might have rendered it injurious to health.

On February 13, 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.*

**25912. Adulteration of canned tomatoes. U. S. v. 225 Cases of Canned Tomatoes. Default decree of condemnation and destruction.** (F. & D. no. 36809. Sample no. 54065-B.)

This case involved an interstate shipment of canned tomatoes which product was found on examination to consist in part of decomposed tomatoes.

On December 17, 1935, the United States attorney for the Middle District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 225 cases of canned tomatoes at Lock Haven, Pa., alleging that the article had been shipped in interstate commerce on or about October 26, 1934, by W. E. Robinson & Co., from Berkeley Springs, W. Va., and that it was adulterated in violation of the Food and Drugs Act. The cans containing the article were labeled: "Gilt Edge Brand Hand Packed Tomatoes \* \* \*. Packed by Birch Grove Canning Co., Ridge, Morgan County, W. Va."

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

On March 31, 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.*

**25913. Adulteration of canned salmon. U. S. v. 1,175 Cases and 2,304 Cases of Canned Salmon. Consent decree of condemnation. Product released under bond for segregation and destruction of decomposed portion.** (F. & D. no. 36813. Sample nos. 54363-B, 54364-B, 54499-B, 54500-B.)

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

On December 18, 1935, 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 1,175 cases of red salmon and 2,304 cases of pink salmon at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about July 29, 1935, by H. T. Domenici, from Uyak Bay, Alaska, and that it was adulterated 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.