

The article was alleged to be adulterated (1) in that peelings and trimmings containing discolored and decomposed material had been mixed and packed with the article so as to reduce, lower, or injuriously affect its quality; (2) in that mushroom peelings and trimmings had been substituted for the article; and (3) in that it consisted in whole or in part of a decomposed or putrid vegetable substance. The article was alleged to be misbranded in that the statement on the label, "Slices and Stems", was false and misleading and tended to deceive and mislead the purchaser when applied to an article that did not consist of slices.

On April 13, 1936, no claimant having appeared, judgments of condemnation were entered and it was ordered that the product be destroyed.

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

25986. Misbranding of canned tomatoes. U. S. v. 600 Cases of Canned Tomatoes. Consent decree of condemnation. Product released under bond for re-labeling. (F. & D. no. 37172. Sample no. 59137-B.)

This case involved an interstate shipment of canned tomatoes that fell below the standard established by the Department of Agriculture, because the tomatoes were not normally colored, and they were not labeled to indicate that they were substandard.

On February 8, 1936, the United States attorney for the Western District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 600 cases of canned tomatoes at Oklahoma City, Okla., alleging that the article had been shipped in interstate commerce on or about August 29, 30, and 31, 1935, by Chas. L. Diven, Inc., from Gentry, Ark., and that they were misbranded in violation of the Food and Drugs Act. The article was labeled in part: "Cream of the Valley Brand Hand Picked Tomatoes Contents 1 Lb. 3 Oz. * * * Chas. L. Diven, Inc. Main Office Gentry, Ark."

The article was alleged to be misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture for such canned food, because the tomatoes were not normally colored, and its package or container did not bear a plain and conspicuous statement prescribed by the Secretary of Agriculture indicating that it fell below such standard.

On February 28, 1936, Chas. L. Diven, Inc., claimant, having admitted the allegations of the libel and having consented to a decree, judgment of condemnation was entered, and it was ordered that the product be released under bond conditioned that it be relabeled.

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

25987. Adulteration of canned tomato juice. U. S. v. 175 Cases of Canned Tomato Juice. Default decree of condemnation and destruction. (F. & D. no. 37178. Sample no. 52727-B.)

This case involved an interstate shipment of canned tomato juice that was found to contain excessive mold.

On February 10, 1936, the United States attorney for the Southern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 175 cases of tomato juice at Des Moines, Iowa, alleging that the article had been shipped in interstate commerce on or about October 3, 1935, by the Robinson Canning Co., from Siloam Springs, Ark., and that it was adulterated in violation of the Food and Drugs Act. The article, contained in cans, was labeled: "King of Ozarks Brand Tomato Juice Contents 10 Fl. Oz. Packed by Robinson Canning Co. Robinson, Ark."

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

On April 18, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

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

25988. Adulteration of frozen raspberries. U. S. v. 125 Barrels of Frozen Raspberries. Consent decree of condemnation. Product ordered released under bond. (F. & D. no. 37180. Sample no. 43122-B.)

This case involved frozen raspberries that were in part worm- and insect-infested.

On February 10, 1936, 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 125 barrels of frozen raspberries at Brooklyn, N. Y., alleging that the article had been shipped in interstate commerce, on or about December 13, 1935, by the National Packing Corporation, from Tacoma, Wash., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Cuthbert Raspberries * * * R. D. Bodle Co. Pier 4, Seattle, Washington."

The article was alleged to be adulterated in that it was worm- and insect-infested, and in that it consisted in whole or in part of a filthy vegetable substance.

On April 15, 1936, the R. D. Bodle Co., having appeared as claimant for the article 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 the unfit portion be destroyed.

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

25989. Adulteration of Brazil nuts. U. S. v. 26 Bags of Brazil Nuts. Consent decree of condemnation. Product released under bond for segregation and destruction of decomposed nuts. (F. & D. no. 37190. Sample nos. 41571-B, 41575-B.)

This case involved an interstate shipment of a quantity of Brazil nuts that contained moldy and rancid or decomposed nuts.

On February 13, 1936, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 26 bags of Brazil nuts at St. Paul, Minn., alleging that the article had been shipped in interstate commerce on or about November 6, 1935, by W. R. Grace & Co., from New York, N. Y., 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 vegetable substance.

On April 17, 1936, C. A. Pearson, Inc., claimant, having admitted the allegations of the libel and having consented to a decree, judgment of condemnation was entered, and it was ordered that the product be released under bond conditioned that the decomposed nuts be segregated and destroyed.

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

25990. Adulteration of canned salmon. U. S. v. 354 Cases, et al., of Canned Salmon. Decrees of condemnation and forfeiture. Portion released under bond conditioned that decomposed salmon be destroyed. Remainder ordered destroyed unconditionally. (F. & D. nos. 37195, 37339. Sample nos. 29917-B, 50899-B, 50900-B, 50901-B.)

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

On February 25, 1936, the United States attorney for the Southern District of New York, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of three shipments involving 354, 488, and 656 cases, respectively, of canned salmon at New York, N. Y. On March 13, 1936, a libel was filed in the Northern District of Alabama against 118 cases of canned salmon at Birmingham, Ala. The libels alleged that the article had been shipped in interstate commerce on or about October 10 and December 21, 1935, from Seattle, Wash., by William W. McBride (William W. McBride Co.), and that it was adulterated in violation of the Food and Drugs Act. A portion of the article was labeled: "King's Taste Pink Salmon * * * Vacuum Packed for Lighthouse Packing Co. Point Roberts, Washington, U. S. A." The remainder was labeled: "Sprite Brand Select Pink Salmon * * * Farwest Fishermen, Inc., Seattle, Wash."

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

On May 29, 1936, William W. McBride, acting as agent for the Quality Seafood Packing Co. and for the Lighthouse Packing Co., claimants, respectively, in two proceedings involving 842 cases of the King's Taste brand seized at New York, N. Y., having admitted the allegations of the libels, judgments of condemnation were entered and the product involved in said proceedings was ordered released under bonds for segregation and destruction of the unfit portion. On May 29, 1936, an order having been entered providing for withdrawal of the claim in the remaining proceeding in New York, involving 656 cases of the King's Taste brand, judgment of condemnation was entered and it was ordered that the product involved in said proceeding be destroyed and that costs be taxed against the claimant, William W.