

as to reduce or lower its quality or strength; and in that tea-seed oil had been substituted in whole or in part for olive oil, which the article purported to be.

Misbranding of the said adulterated lots was alleged in that the following statements and design, appearing in the labeling, were false and misleading and tended to deceive and mislead the purchaser when applied to a product that contained tea-seed oil: (cans and bottles) "Pure Imported Olive Oil", (cans) "Importato Puro Olio d' Oliva * * * This Olive Oil is guaranteed to be absolutely pure and indisputably better than that of any other origin both for its natural goodness and exceptional purity * * * Questo Olio e garantito di pura oliva. e indiscutibilmente superiore a quello di qualsiasi si altra origine sia per la sua naturale bonta che per la sua speciale raffinatezza * * * [designs of olive branches]"; and in that the article was offered for sale under the distinctive name of another article, namely, olive oil.

The article in the gallon, half-gallon, and quart cans was alleged to be misbranded in that the following statements on the labels were false and misleading and tended to deceive and mislead the purchaser when applied to a product that was short in volume, "One Gallon", "Half Gallon", and "One Quart"; and in that it 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 not correct.

On May 5, 1936, no claimant having appeared, judgment of condemnation was entered, and it was ordered that the product be turned over to a public institution.

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

26008. Adulteration and alleged misbranding of canned salmon. U. S. v. 400 Cases of Canned Salmon. Default decree of condemnation and destruction. (F. & D. no. 37314. Sample no. 54852-B.)

This case involved a shipment of canned salmon that consisted in whole or in part of a decomposed animal substance.

On March 5, 1936, the United States attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 400 cases of canned salmon at Milwaukee, Wis., alleging that the article had been shipped in interstate commerce on or about October 25, 1935, by F. A. Gosse Co., from Seattle, Wash., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was variously labeled in part: "Pink Rose Brand Fancy Salmon * * * Finest Quality Pink Salmon"; "Pink Rose Salmon Distributed by F. A. Gosse Co., Seattle, USA."

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

The article was alleged to be misbranded in that the statements on the labels, "Fancy Salmon" and "Finest Quality", were false and misleading and tended to deceive and mislead the purchaser when applied to a product containing decomposed salmon.

On June 19, 1936, no claimant having appeared, judgment was entered finding the product adulterated and ordering that it be condemned and destroyed.

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

26009. Misbranding of canned tuna. U. S. v. 100 Cases and 100 Cases of Canned Tuna. Decree of condemnation. Product released under bond to be relabeled. (F. & D. no. 37315. Sample nos. 34792-B, 34794-B.)

This case involved shipment of canned tuna that was short in weight.

On March 5, 1936, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 200 cases of canned tuna at Boston, Mass., alleging that the article had been shipped in interstate commerce on or about February 9, 1936, by the Coast Fishing Co., from Wilmington, Calif., and charging misbranding in violation of the Food and Drugs Act as amended. A portion of the article was labeled in part, "Super Light Meat Tuna Fish, Contents 7 oz. avoird., Distributors, M. J. Caplan Co., Incorporated, Lawrence, Mass."; and a portion was labeled in part, "Sun Harbor Brand California Light Meat Tuna, Net Contents 7 oz. Packed by Cohn-Hopkins, Inc., Quality Packers, San Diego, Calif."

The article was alleged to be misbranded in that the statements, "Contents 7 oz. avoird." and "Net Contents 7 oz.", borne on the respective labels, were false and misleading and tended to deceive and mislead the purchaser when applied to a product packed in cans containing less than 7 ounces; and in that

the product 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 not correct.

On April 6, 1936, Cohn-Hopkins, Inc., San Diego, Calif., having appeared as claimant for the article and having admitted the allegations of the libel, 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.*

26010. Adulteration and misbranding of potatoes. U. S. v. 400 Sacks of Potatoes. Default decree of condemnation. Product sold at public sale. (F. & D. no. 37316. Sample no. 65637-B.)

This case involved an interstate shipment of potatoes which were inferior to the grade represented.

On March 5, 1936, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 400 sacks of potatoes at Boston, Mass., alleging that the article had been shipped in interstate commerce on or about February 24, 1936, by the Aroostook Production Credit Association, from Masardis, Maine, and that it was adulterated in violation of the Food and Drugs Act. The article was labeled: (Stenciled on the sacks) "Leader Brand Aroostook County Maine Potatoes 100 lbs. Net"; (tag on sacks) "Maine Potatoes Grade U. S. No. 2 Packed by National Fruit and Vegetable Exchange, Inc. Presque Isle, Maine."

The article was alleged to be adulterated in that potatoes below U. S. grade No. 2 had been substituted wholly or in part for U. S. grade No. 2 potatoes, which the article purported to be. The article was alleged to be misbranded in that the statement on the tags, "Grade U. S. No. 2", was false and misleading and tended to deceive and mislead the purchaser when applied to potatoes below U. S. grade No. 2.

On April 6, 1936, no claimant having appeared, and the product being perishable and having been sold at public sale and the proceeds paid into the registry of the court to await the final outcome of the proceeding, pursuant to an order of the court, judgment of forfeiture of said proceeds was entered and it was ordered that the same be paid into the Treasury of the United States.

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

26011. Adulteration of canned salmon. U. S. v. 12 Cartons, 221 Cases, and 20 Cases of Salmon. Decrees of condemnation. Portion of product released under bond conditioned upon separation and destruction of decomposed salmon; remainder ordered destroyed unconditionally. (F. & D. nos. 37173, 37319, 37517. Sample nos. 34772-B, 61740-B, 62284-B.)

These cases involved canned salmon that was in part decomposed.

On February 6, 1936, 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 12 cartons of canned salmon at Los Angeles, Calif. On March 5 and March 31, 1936, libels were filed against 221 cases of canned salmon at San Antonio, Tex., and 20 cases of canned salmon at Scranton, Pa. It was alleged in the libels that the article had been shipped in interstate commerce in part on or about November 16, 1935, and in part on or about December 12, 1935, by Dehn & Co., Inc., from Seattle, Wash., and that it was adulterated in violation of the Food and Drugs Act. The article was labeled in part: "Referee Salmon distributed by Dehn & Company, Inc., Seattle, Washington."

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

On February 26 and May 18, 1936, no claim having been entered for the lots seized at Los Angeles, Calif., and Scranton, Pa., judgments of condemnation were entered and they were ordered destroyed. On May 20, 1936, Dehn & Co., Inc., having appeared as claimant for the lot seized at San Antonio, Tex., and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the lot be released under bond conditioned in part that the decomposed portion be destroyed.

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