

26029. Misbranding of oysters. U. S. v. 357 Cans of Oysters. Default decree of condemnation and destruction. (F. & D. no. 37391. Sample nos. 68170-B, 68171-B.)

This case involved a shipment of oysters that was short in volume.

On March 19, 1936, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 357 cans of oysters at Portsmouth, Ohio, alleging that the article had been shipped in interstate commerce on or about March 10, 1936, by the Roaring Point Oyster Co., from Nanticoke, Md., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Salt Water Oysters One Pint Net."

The article was alleged to be misbranded in that the statement "One Pint Net" was false and misleading and tended to deceive and mislead the purchaser; 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 quantity stated was not correct.

On May 19, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

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

26030. Adulteration of cheese. U. S. v. 56 Cheeses. Default decree of condemnation and destruction. (F. & D. no. 37392. Sample no. 55672-B.)

This case involved a shipment of cheese that contained insect debris, rodent hairs, and nondescript dirt.

On March 20, 1936, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 56 cheeses, unlabeled, at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about January 2, 1936, by Sam Konugres, from Trinidad, Colo., 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 animal substance.

On June 24, 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.*

26031. Adulteration of shelled walnuts. U. S. v. 900 Cases of Shelled Walnuts. Consent decree of condemnation. Product ordered released under bond. (F. & D. no. 37403. Sample no. 65283-B.)

This case involved shipment of shelled walnuts that were in part moldy, insect-eaten, rancid, and decomposed.

On March 19, 1936, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 900 cases of shelled walnuts at San Francisco, Calif., alleging that the article had been shipped in interstate commerce on or about March 16, 1936, by Edward Jensen & Co., from Seattle, Wash., 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 and decomposed vegetable substance.

On April 17, 1936, Herman C. Fisher Co., San Francisco, Calif., 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 not be disposed of in violation of the Food and Drugs Act.

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

26032. Adulteration of canned salmon. U. S. v. 12,193 Cases of Canned Salmon. Consent decree of condemnation. Product released under bond for segregation and destruction of decomposed portion. (F. & D. no. 37407. Sample nos. 54394-B, 65036-B, 65144-B.)

This case involved an interstate shipment of canned salmon examination of which showed the presence of decomposed salmon.

On March 20, 1936, 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 12,193 cases

of canned salmon at Bellingham, Wash., alleging that the article had been shipped in interstate commerce on or about August 24, 1935, by Uganik Fisheries, Inc., from Uganik, 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.

On April 4, 1936, Uganik Fisheries, 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 article be released under bond conditioned that the decomposed portion be segregated and destroyed.

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

26033. Adulteration and misbranding of peach wine. U. S. v. 544 Bottles of Peach Wine. Default decree of condemnation and destruction. (F. & D. no. 37409. Sample no. 54060-B.)

This case involved a product consisting of a blend of grape wines that was represented to be peach wine. The product was also short in volume.

On March 23, 1936, the United States attorney for the Middle District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 544 bottles of peach wine at Columbus, Ga., alleging that the article had been shipped in interstate commerce on or about January 22, 1936, by the Eastern Wine Corporation, from New York, N. Y., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "American Beauty Finest Vintage Peach Wine * * * Contents One Pint Eastern Wine Corp., Tulare, Cal., New York, N. Y."

The article was alleged to be adulterated in that a product which was a blend of grape wines had been substituted for peach wine.

The article was alleged to be misbranded in that the statements "Peach Wine" and "One Pint", borne on the label, were false and misleading and tended to deceive and mislead the purchaser; and in that the product was offered for sale under the distinctive name of another article.

On April 18, 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.*

26034. Adulteration and misbranding of canned cherries. U. S. v. 107 Cases of Canned Cherries. Consent decree of condemnation. Product released under bond to be relabeled. (F. & D. no. 37412. Sample no. 65060-B.)

This case involved a product represented to be canned pitted cherries which were found to contain an excessive number of pits.

On March 27, 1936, the United States attorney for the Eastern District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 107 cases of canned cherries at Spokane, Wash., alleging that the article had been shipped in interstate commerce on or about November 29, 1935, by Ravalli Canning Co., from Stevensville, Mont., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Riverside Brand Pitted Red Sour Cherries Packed for the McClintock-Trunkey Company, Spokane, Washington."

The article was alleged to be adulterated in that a substance, excessive pits, had been mixed and packed with and substituted for the article.

The article was alleged to be misbranded in that the statement on the label, "pitted cherries", was false and misleading and tended to deceive and mislead the purchaser.

On May 9, 1936, the Ravalli Canning Co., having appeared as claimant 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.*

26035. Misbranding of canned tomatoes. U. S. v. 292 Cases of Canned Tomatoes. Consent decree of condemnation. Product released under bond for relabeling. (F. & D. no. 37415. Sample no. 59185-B.)

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