

26068. Adulteration of tomato puree. U. S. v. 14 Cases of Tomato Puree. Default decree of condemnation and destruction. (F. & D. no. 87621. Sample no. 54750-B.)

This case involved a shipment of tomato puree that contained excessive mold.

On April 20, 1936, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 14 cases of tomato puree at Erie, Pa., alleging that the article had been shipped in interstate commerce on or about March 11, 1936, by the Holley Canning Co., from Holley, N. Y., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Blue & White Brand Tomato Puree * * * Red & White Corp'n. Distributors, Chicago, Ill., Buffalo, N. Y., San Francisco, Cal."

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

On May 14, 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.*

26069. Adulteration and misbranding of canned salmon. U. S. v. 311, 475, and 195 Cases of Canned Salmon. Decrees of condemnation and destruction. (F. & D. nos. 37612, 37623, 87626. Sample nos. 51529-B, 53185-B, 63218-B.)

These cases involved canned salmon that was in part decomposed. A portion was soft and some was scorched and overcooked.

On April 18, 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 195 cases of canned salmon at St. Paul, Minn. On April 20 and April 21, 1936, libels were filed against 475 cases of canned salmon at Jacksonville, Fla., and 311 cases of canned salmon at Baltimore, Md. The libels alleged that the article had been shipped in interstate commerce between the dates of November 2, 1935, and January 8, 1936, by McGovern & McGovern, from Seattle, Wash., and that it was adulterated and a portion was misbranded in violation of the Food and Drugs Act. The shipments involved two brands labeled in part, respectively: "Far North Fancy Pink Salmon McGovern and McGovern, Seattle, U. S. A. Sole Distributors"; "McGovern's Best Brand Alaska Pink Salmon Distributed by McGovern & McGovern Seattle, U. S. A."

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

The Far North brand was alleged to be misbranded in that the term "Fancy", appearing on the labels, was false and misleading and tended to deceive and mislead the purchaser when applied to decomposed soft, scorched, and overcooked fish.

On June 13 and July 16, 1936, no claim having been entered for the lots seized at Baltimore, Md., and St. Paul, Minn., and the Quality Seafood Packing Co., claimant for the lot seized at Jacksonville, having withdrawn its claim and consented to the destruction of said lot, judgments of condemnation were entered and the product was ordered destroyed.

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

26070. Adulteration of Limburger Spread. U. S. v. 102 Jars, et al., of Limburger Spread. Default decrees of condemnation and destruction. (F. & D. nos. 37631 to 37641, incl. Sample no. 61037-B.)

These cases involved Limburger Spread that contained worm and insect fragments.

On April 23, 1936, 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 580 jars of Limburger Spread in various lots at Passaic, Hackensack, West New York, Summit, and Hoboken, N. J., alleging that the article had been shipped in various shipments between the dates of April 1 and April 8, 1936, by B. Chesman & Son, Inc., from New York, N. Y., and charging adulteration in violation of the Food and Drugs Act. On April 24, 1936, the United States attorneys for the Southern District of New York, and the Eastern District of New York, filed libels against 485 jars of Limburger Spread in various lots at New York, Yonkers, Elmhurst, Lynbrook, Jamaica, and Queens Village, N. Y., consigned between the dates of March 30 and April 8, 1936, alleging that the article had been shipped by the Modern

Dairy & Grocery Co., Inc., from Paterson, N. J., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Borden's Buffalo Brand Limburger Spread."

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

On June 6, July 16, August 11, and August 22, 1936, no claimant having appeared, judgments of condemnation were entered and it was ordered that the product be destroyed.

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

26071. Misbranding of relish and pickles. U. S. v. Nine and One-half Cases of Sea-Food and Barbecue Relish, et al. Default decree of condemnation and destruction. (F. & D. no. 37647. Sample nos. 48909-B to 48914-B, incl.)

This case involved a shipment of relish and pickles in jars on which the labels did not state correctly the quantity of contents.

On April 24, 1936, the United States attorney for the Eastern District of South Carolina, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of nine and one-half cases of sea-food and barbecue relish, and 64 cases of pickles at Bishopville, S. C., alleging that the articles had been shipped in interstate commerce on or about March 12, 1936, by the Orringer Pickle Co., from New Bern, N. C., and charging misbranding in violation of the Food and Drugs Act as amended. The articles were variously labeled in part: (Jars) "Carolina Maid Brand One Pint [or 8 Ozs.] Seafood and Barbecue Relish [or "Sweet Mixed Pickles, etc.]" Packed by The Orringer Pickle Company, New Bern, N. C."

The articles were alleged to be misbranded in that the statements on the labels, "One Pint" or "8 Ozs.", as the case might be, were false and misleading and tended to deceive and mislead the purchaser when applied to products that were short in volume; and in that they were 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 June 2, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the products be destroyed.

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

26072. Adulteration of canned salmon. U. S. v. 600 Cases of Salmon. Consent decree of condemnation. Product released under bond for segregation and destruction of decomposed portion. (F. & D. no. 37657. Sample no. 53800-B.)

This case involved a shipment of salmon that was in part decomposed.

On or about April 28, 1936, 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 600 cases of canned salmon at Portland, Oreg., alleging that the article had been shipped in interstate commerce on or about November 20, 1935, by the Washington Fish & Oyster Co., from Seattle, Wash., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part, "Bay Beauty Brand Select Alaska Pink Salmon * * * Packed by Washington Fish & Oyster Company, Seattle."

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

On June 4, 1936, the Washington Fish & Oyster Co., Inc., 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 sorted under supervision of this Department and that the unfit portion be destroyed.

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

26073. Adulteration of evaporated apples. U. S. v. 175 Bags of Evaporated Apples. Product released under bond. (F. & D. no. 37661. Sample no. 52479-B.)

This case involved a shipment of evaporated apples that contained excessive water.

On April 24, 1936, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 175 unlabeled bags