

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

of evaporated apples at St. Louis, Mo., alleging that the article had been shipped on or about February 27, 1936, by K. & H. Evaporating Co., Inc., from Red Creek, N. Y., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that a product containing excessive water had been substituted for evaporated apples, which the article purported to be.

On May 5, 1936, J. W. Teasdale & Co. having filed an answer admitting the allegations of the libel and having consented to condemnation of the product, judgment was entered ordering that it be released under bond conditioned that the excessive moisture be removed.

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

**26074. Misbranding and alleged adulteration of beer. U. S. v. 230 Cases of Red Top Beer. Product adjudged misbranded and released under bond to be relabeled. (F. & D. no. 37663. Sample no. 68326-B.)**

This case involved shipment of beer that contained materially less alcohol than indicated on the label.

On March 11, 1936, the United States attorney for the Western District of Kentucky, acting upon a report by an official of the State of Kentucky, filed in the district court a libel praying seizure and condemnation of 230 cases of beer at Louisville, Ky., alleging that the article had been shipped in interstate commerce on or about March 9, 1936, by Hauck Brewery, Red Top Brewing Co., from Cincinnati, Ohio, and charging adulteration in violation of the Food and Drugs Act as amended. The article was labeled in part: "Not over 14% Proof Spirits Red Top Beer."

The article was alleged to be misbranded in that the statement on the label in large type, "14%", was false and misleading and tended to deceive and mislead the purchaser since analysis showed that the article contained less than 5 percent of alcohol by weight.

The article was alleged to be adulterated in that a beverage containing less than 14 percent of alcohol had been substituted for the article.

On March 13, 1936, the United Distributors, claimant, having agreed thereto, the court found the article misbranded and ordered its release to claimant under bond conditioned that it be relabeled by removing that part of the label reading: "Not over 14% Proof Spirits."

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

**26075. Adulteration of frozen shrimp. U. S. v. 460 Pounds of Frozen Shrimp. Default decree of condemnation and destruction. (F. & D. no. 37669. Sample no. 70419-B.)**

This case involved shipment of frozen shrimp that consisted of a decomposed animal substance.

On April 6, 1936, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 460 pounds of frozen shrimp at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about December 6, 1935, by V. Santos, from St. Augustine, Fla., and charging adulteration in violation of the Food and Drugs Act.

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

On May 6, 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.*

**26076. Adulteration of frozen shrimp. U. S. v. 165 Pounds of Frozen Shrimp. Default decree of condemnation and destruction. (F. & D. no. 37670. Sample no. 70420.)**

This case involved a shipment of frozen shrimp that was decomposed.

On April 6, 1936, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 165 pounds of frozen shrimp at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about August 1 and August 2, 1935, by the Imperial Fish Co., from Baltimore, Md., and charging adulteration in violation of the Food and Drugs Act.