

not plainly and conspicuously marked on the outside of the packages since the statements made were incorrect.

On January 4, 1937, the defendant entered a plea of guilty and the court imposed a fine of \$50.

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

**26833. Adulteration of tomato paste. U. S. v. 750 Cases of Tomato Paste. Default decree of condemnation and destruction. (F. & D. no. 36283. Sample no. 35304-B.)**

This product contained filth resulting from worm infestation.

On September 6, 1935, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 750 cases of tomato paste at Cleveland, Ohio, alleging that the article had been shipped in interstate commerce on or about July 19, 1935, from the Harbor City Food Corporation, Harbor City, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Campagnola Brand Tomato Paste \* \* \* Packed by Harbor City Food Corporation [or "Harbor City Canning Co"] Los Angeles Calif."

The article was alleged to be adulterated in that it consisted in part of worm debris.

On January 19, 1937, 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.*

**26834. Adulteration of canned salmon. U. S. v. 337 Cases and 3,147 Cases of Canned Salmon. Consent decree of condemnation. Product released under bond. (F. & D. no. 36877. Sample nos. 54597-B, 54600-B, 64942-B, 64943-B.)**

This case involved canned salmon that was in part decomposed.

On December 26, 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 337 cases of red salmon and 3,147 cases of pink salmon at Seattle, Wash., alleging that it had been shipped in interstate commerce by the New England Fish Co., in part from Ketchikan, Alaska, on or about August 22, 1935, and in part from Noyes Island, Alaska, on or about September 28, 1935; 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 part of a decomposed animal substance.

On February 8, 1937, the New England Fish Co., 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 should not be disposed of in violation of the Food and Drugs Act.

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

**26835. Adulteration of canned spinach. U. S. v. Bertes A. Rudolph. Plea of guilty. Fine \$50 and costs. (F. & D. no. 36947. Sample no. 19572-B.)**

This case involved canned spinach samples of which were found to contain worms, insects, and other extraneous material.

On April 1, 1936, the United States attorney for the Western District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Bertes A. Rudolph, a member of a firm trading as the Robinson Canning Co., Robinson, Ark., alleging shipment by said defendant in violation of the Food and Drugs Act on or about May 9, 1935, from the State of Arkansas into the State of Ohio, of a quantity of canned spinach that was adulterated.

The article was labeled in part: "King of Ozarks Brand Spinach \* \* \* Packed by Robinson Canning Co., Robinson, Ark."

It was alleged to be adulterated in that it consisted in part of a filthy vegetable substance; in that worms, insects, wood slivers, grass twigs, wood chips, and sawdust, had been mixed and packed with it so as to reduce, lower, and injuriously affect its quality, and had been substituted in part for the article.

On February 2, 1937, the defendant having entered a plea of guilty, the court imposed a fine of \$50 and costs.

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