

26948. Misbranding of butter. U. S. v. 15 Cases and 12 Cartons of Butter. Default decree of condemnation and destruction. (F. & D. no. 38454. Sample no. 13663-C.)

This product was short in weight.

On October 8, 1936, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 15 cases, 30 cartons each, and 12 separate cartons of butter at New Orleans, La., alleging that the article had been shipped in interstate commerce on or about September 29, 1936, by the Kraft-Phenix Cheese Corporation from Water Valley, Miss., and charging misbranding in violation of the Food and Drugs Act. It was labeled in part: (Carton) "Elkhorn Pure Creamery Butter One Pound Net."

The article was alleged to be misbranded in that the statements, "One Pound Net Weight" on the cartons, and "1-lb. Prints" on the shipping case, were false and misleading since the cartons contained less than 1 pound. It was alleged to be misbranded further in that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package since the statement made was not correct.

On December 29, 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.*

26949. Adulteration of canned salmon. U. S. v. 1,460 Cases, 2,971 Cases, and 1,422 Cartons of Canned Salmon. Consent decree of condemnation. Product released under bond. (F. & D. nos. 38463, 38497. Sample nos. 23629-C, 23677-C, 23688-C, 23712-C, 29282-C.)

These cases involved canned salmon that was in part decomposed.

On October 26 and November 4, 1936, the United States attorney for the Western District of Washington, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 4,431 cases and 1,422 cartons of canned salmon at Seattle, Wash., alleging that it had been shipped in interstate commerce in part on or about August 26, 1936, and in part on or about September 6, 1936, by the Hydaburg Fisheries, Inc., from Hydaburg, Alaska, 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 decomposed animal substance.

On February 3, 1937, the Hydaburg Fisheries, Inc., having appeared as claimant and having consented to the entry of a decree, and the cases having been consolidated, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it should not be sold or otherwise disposed of in violation of the law.

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

26950. Adulteration of canned salmon. U. S. v. 7,165 Cases of Canned Salmon. Decree of condemnation in part. Portion of product exonerated; remainder ordered released under bond. (F. & D. no. 38527. Sample nos. 11059-C, 22309-C.)

This product was in part decomposed.

On November 9, 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 7,165 cases of canned salmon at Bellingham, Wash., alleging that the product had been shipped in interstate commerce on or about June 20, June 25, and August 3, 1936, by Pacific American Fisheries, Inc., from King Cove, Alaska, 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 decomposed animal substance.

On March 16, 1937, Pacific American Fisheries, Inc., having appeared as claimant, a decree of condemnation was entered and it was ordered that a portion of said product be exonerated and that the remainder be released under bond conditioned that it should not be disposed of in violation of the Federal Food and Drugs Act.

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