

On February 10, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

27581. Adulteration of canned huckleberries. U. S. v. 267 Cartons and 19 Cases of Huckleberries. Default decrees of condemnation and destruction. (F. & D. Nos. 38761, 39202. Sample Nos. 29325-C, 36139-C.)

Samples of this product were found to be worm- and insect-infested.

On December 10, 1936, and June 18, 1937, the United States attorneys for the Districts of Oregon and Montana, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of 267 cartons of canned huckleberries at Portland, Oreg., and 19 cases of canned huckleberries at Great Falls, Mont. It was alleged in the libels that the article had been shipped in interstate commerce in part on or about October 21 and November 10, 1936, by Younglove & Co., from Tacoma, Wash., to Portland, Oreg., and in part on or about November 19, 1936, by the Seattle Transfer & Storage Co. from Seattle, Wash., in a pool-car shipment to Great Falls, Mont., and from there to Helena, Mont., by the Nash-Finch Co.'s truck, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Cans) "B and H Brand Huckleberries Younglove & Company Tacoma, Wash."

It was alleged to be adulterated in that it consisted wholly or in part of a filthy vegetable substance.

On June 18 and July 2, 1937, no claimant having appeared, judgments of condemnation were entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

27582. Adulteration of canned salmon. U. S. v. 200 Cases and 53 Cases of Canned Salmon. Consent decrees of condemnation. Product released under bond. (F. & D. Nos. 38919, 38920. Sample No. 16140-C.)

This product was in part decomposed.

On January 12, 1937, the United States attorney for the Eastern District of South Carolina, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 200 cases of canned salmon at Columbia, S. C., and 53 cases of canned salmon at Charleston, S. C., alleging that the article had been shipped in interstate commerce on or about September 30, 1936, by McGovern & McGovern from Seattle, Wash., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Cans) "Northern Waters Brand Alaska Pink Salmon * * * Distributed by North Coast Fisheries Co. 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.

On May 18 and June 28, 1937, the Alaska Red Salmon Packers, Inc., claimant, having admitted the allegations of the libels and having consented to the entry of decrees, judgments of condemnation were entered and it was ordered that the product be released under bond, conditioned that it should not be sold or disposed of contrary to the provisions of the Federal Food and Drugs Act.

M. L. WILSON, *Acting Secretary of Agriculture.*

27583. Misbranding of tomato juice. U. S. v. 400 Cases and 515 Cases of Tomato Juice. Cases consolidated. Consent decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. Nos. 37547, 37707. Sample Nos. 62460-B, 62462-B.)

This product contained approximately 10 percent of water added by the condensation of steam in the extraction process. A portion was short in volume.

On April 4 and May 4, 1936, the United States attorney for the Northern District of Texas, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of two lots, 400 cases and 515 cases, respectively, of tomato juice at Fort Worth, Tex., alleging that the article had been shipped in interstate commerce between the dates of September 17, 1935, and February 8, 1936, by Libby, McNeill & Libby, in part from Manzanola, Colo., and in part from Rocky Ford, Colo., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. On April 12, 1937, the libel filed on April 4 was amended. The article was labeled in part: "Libby's Fancy Tomato Juice 14 Fl. Oz. Net * * * Libby, McNeill & Libby."

The libels alleged that the article was adulterated in that water had been mixed and packed with it so as to reduce or lower its quality or strength; and in that water had been substituted wholly or in part for tomato juice, which the article purported to be.

The article was alleged to be misbranded in that the statement on the label, "Fancy Tomato Juice," was false and misleading and tended to deceive and mislead the purchaser when applied to a product containing added water. A portion of the article was alleged to be misbranded further in that the statement on the label, "14 Fl. Oz. 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 the contents was not plainly and conspicuously marked on the outside of the package, since the quantity stated was not correct.

Libby, McNeill & Libby appeared as claimant and consented that a decree might be entered finding the product misbranded in that it was not tomato juice as labeled but contained water added by the condensation of steam in the extraction process. On May 1, 1937, judgment was entered finding the product misbranded and ordering that it be condemned and released under bond conditioned that it be relabeled, the relabeled goods to bear the statement "10 percent water added through steam condensation," and another statement indicating that not more than 13½ fluid ounces were contained in the cans of that portion found to be short in volume.

M. L. WILSON, *Acting Secretary of Agriculture.*

27584. Adulteration and misbranding of canned salmon. U. S. v. 1135¼ Cases and 2082¾ Cases of Canned Salmon. Consent decrees of condemnation. Product released under bond conditioned that decomposed portion be destroyed and good portion relabeled. (F. & D. Nos. 38931, 38932. Sample No. 13800.)

This product was adulterated because it was in part decomposed, and was misbranded because it had been packed by a firm other than that declared on the case.

On January 9, 1937, the United States attorney for the Southern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court libels (which were subsequently amended) praying seizure and condemnation of 1135¼ cases of canned salmon at Harlingen, Tex., and 2082¾ cases of canned salmon at Corpus Christi, Tex., alleging that the article had been shipped in interstate commerce on or about September 23, 1936, by the Wesco Foods Co. from Seattle, Wash., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Cans) "Floe Brand Alaska Pink Salmon * * * Packed in Alaska for Shepard Point Packing Co."; (cases) "Packed by Shepard Point Packing Co., Main Office Seattle Washington."

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

The article was alleged to be misbranded in that the statement on the case, "Packed by Shepard Point Packing Co. Main Office Seattle Washington U. S. A.," was false and misleading and tended to deceive and mislead the purchaser since it represented that the article had been packed by the Shepard Point Packing Co.; whereas it was packed by Ocean Packing Co., Klawock, Alaska.

On June 10, 1937, the Ocean Packing Co. having appeared as claimant and having consented to the entry of decrees, judgments of condemnation were entered and it was ordered that the product be released under bond conditioned that the bad portion be segregated and destroyed and the good portion properly relabeled.

M. L. WILSON, *Acting Secretary of Agriculture.*

27585. Adulteration of canned pears and canned peaches. U. S. v. 52 Cases of Canned Pears, et al. Default decree of condemnation and destruction. (F. & D. Nos. 38992 to 38996, incl. Sample Nos. 31381-C to 31385-C, incl.)

These products were found to be in part decomposed.

On January 27, 1937, 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 375 cases of pears and 734 cases of peaches at Columbus, Ohio, alleging that the articles had been shipped in interstate commerce on or about September 12, 1936, by the G. W. Hume Co. from San Francisco, Calif., and charging adulteration in violation of the Food