

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