

court an information against the Ponca City Milling Co., Inc., Ponca City, Okla., alleging shipment by said company on or about August 25, 1936, from the State of Oklahoma into the State of Texas of a quantity of wheat gray shorts and screenings that were adulterated and misbranded in violation of the Food and Drugs Act. The article was labeled in part: (Tag) "Wheat Gray Shorts and Screenings * * * Ponca City Milling Company Ponca City, Oklahoma * * * Crude Fiber not more than 6.00 Per Cent."

It was alleged to be adulterated in that wheat brown shorts had been substituted in whole and in part for wheat gray shorts, which it purported to be.

It was alleged to be misbranded in that the statements on the tag, "Gray Shorts" and "Crude Fiber not more than 6.00 Per Cent," were false and misleading and were borne on the tag so as to deceive and mislead the purchaser since it was not gray shorts but was brown shorts; and it contained more than 6 percent of crude fiber, namely, 7.01 percent.

On September 2, 1937, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$30.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

27762. Adulteration of canned salmon. U. S. v. Andrew S. Day (North Pacific Sea Foods). Plea of guilty. Fine, \$20 and costs. (F. & D. No. 38681. Sample Nos. 2700-C, 10915-C, 11083-C, 23683-C, 29228-C, 29612-C, 29621-C, 29636-C, 32402-C, 32421-C.)

Samples of this product were found to be decomposed.

On June 14, 1937, the United States attorney for the third division of the District of Alaska, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Andrew S. Day, trading as North Pacific Sea Foods, at Valdez, Alaska, alleging shipment by said defendant in violation of the Food and Drugs Act in various consignments on or about August 16, August 23, September 19, and September 28, 1936, from Dayville, Alaska, into the State of Washington of quantities of canned salmon which was adulterated. One shipment was labeled in part: (Cans) "North View Brand Alaska Pink Salmon."

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

On August 24, 1937, the defendant entered a plea of guilty and the court imposed a fine of \$20 and costs.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

27763. Adulteration and misbranding of lime and lemon juices. U. S. v. 10 Cases of Lime Juice, et al. Default decree of condemnation and destruction. (F. & D. Nos. 38883, 39917. Sample Nos. 12181-C to 12188-C, incl., 20870-C, 20871-C, 20872-C.)

Examination showed that these products consisted of water, lime or lemon juice, added acid, and, in some lots, added citrus peel oils.

On December 31, 1936, and June 28, 1937, the United States attorney for the District of Rhode Island, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 27 cases of lime juice and 34 cases of lemon juice at Providence, R. I.; and 44 bottles of lime juice and 215 bottles of lemon juice at Pawtucket, R. I. alleging that the articles had been shipped in interstate commerce between the dates of August 21, 1935, and December 15, 1936, by Snow Crest, Inc., from Salem, Mass., and charging adulteration and misbranding in violation of the Food and Drugs Act. Portions of the articles were labeled: "Snow Crest DeLuxe Lime [or "Lemon"] Juice Snow Crest Inc. Salem, Mass." One lot was labeled: "Decanteur DeLuxe Lemon Juice Fashioned by Snow Crest, Salem, Mass."

The articles were alleged to be adulterated in that an imitation lime or lemon juice, consisting of water, lime or lemon juice, and added citric acid—and in some lots, added citrus-peel oils—had been mixed and packed therewith so as to reduce or lower their quality or strength and had been substituted wholly or in part for the articles; and in that they had been mixed in a manner whereby inferiority was concealed.

They were alleged to be misbranded in that the following statements, borne on the labels, were false and misleading and tended to deceive and mislead the purchaser when applied to articles that consisted of water, lemon or lime juice, added citric acid—and in some lots, added citrus-peel oils: "DeLuxe Lime [or "Lemon"] Juice Pure Lime [or "Lemon"] Juice Blended with Oil of Lime

[or "Lemon] and Fruit Acid," "Deluxe Lemon Juice;" and in that they were imitations of and were offered for sale under the distinctive names of other articles.

On August 11 and September 15, 1937, no claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

27764. Adulteration of canned salmon. U. S. v. 600 Cases of Canned Salmon. Consent decree of condemnation. Product released under bond for segregation and destruction of unfit portion. (F. & D. No. 38912. Sample No. 28455-C.)

This product was in part decomposed.

On January 7, 1937, the United States attorney for the Western District of Pennsylvania, 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 Pittsburgh, Pa., alleging that the article had been shipped in interstate commerce on or about October 13, 1936, by the Wesco Foods Co., Seattle, Wash., and charging adulteration in violation of the Food and Drugs Act.

The article was labeled in part: "North Bay Brand Pink Salmon Distributed by Wesco Foods Company, * * * Cincinnati, Ohio."

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

On July 26, 1937, the Ocean Packing Co., Seattle Wash., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released to the claimant under bond conditioned that the unfit portion be segregated and destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

27765. Adulteration of canned cherries. U. S. v. 39 Cases of Canned Cherries. Default decree of condemnation and destruction. (F. & D. No. 39144. Sample No. 29399-C.)

Samples of this product were found to contain maggots.

On April 6, 1937, the United States attorney for the Northern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 39 cases of canned cherries at Oneonta, N. Y., alleging that the article had been packed by Ray-Maling Co., Inc., Woodburn, Oreg., and had been shipped in interstate commerce on or about February 9, 1937, by Balfour, Guthrie & Co., Ltd., from Portland, Oreg., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Klipnockie Brand Water Pack Red Pitted Cherries * * * The Oneonta Grocery Co., Oneonta, N. Y., Distributors."

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

On September 16, 1937, no one having appeared except the Ray-Maling Co., Inc., which subsequently abandoned its claim, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

27766. Adulteration of pecan meats. U. S. v. 23 Cartons of Pecan Meats. Default decree of condemnation and destruction. (F. & D. No. 39251. Sample Nos. 24697-C, 25085-C.)

Samples of this product were found to be wormy and rancid.

On March 23, 1937, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 23 cartons of pecan meats at San Francisco, Calif., alleging that the article had been shipped in interstate commerce on or about February 14 and March 10, 1936, from San Antonio, Tex., by E. M. Zerr & Co., Inc., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Carton) "From E. M. Zerr & Co., San Antonio, Texas."

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

On August 30, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*