

The case came on for trial before the court without a jury on April 7, 1938, and was completed on April 13, 1938. Whereupon, the court adjudged the defendant guilty, suspended the imposition of sentence, and placed him on probation for 1 year.

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

**28944. Adulteration of walnut meats. U. S. v. Morris Rosenberg. Plea of guilty. Fine, \$150.** (F. & D. No. 40793. Sample Nos. 51210-C, 51211-C, 51221-C.)

Samples of these nuts were found to be worm-damaged, moldy, rancid, or decomposed.

On April 25, 1938, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Morris Rosenberg, trading at Los Angeles, Calif., alleging shipment by said defendant in violation of the Food and Drugs Act on or about July 24 and 31, 1937, from the State of California into the State of Oregon of quantities of walnut meats that were adulterated. The article was labeled in part: "Walnut Meats \* \* \* Morris Rosenberg \* \* \* Los Angeles."

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

On May 23, 1938, a plea of guilty having been entered by the defendant, he was sentenced to pay a fine of \$150.

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

**28945. Adulteration of catsup. U. S. v. 243 Cases of Catsup. Portion of product released unconditionally. Remainder condemned and destroyed.** (F. & D. No. 40985. Sample No. 63019-C.)

A portion of this product contained excessive mold.

On December 3, 1937, the United States attorney for the Southern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 243 cases of catsup at Marshalltown, Iowa, alleging that the article had been shipped in interstate commerce on or about September 18, 1937, from Matthews, Ind., by Marshall Canning Co., 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 filthy and decomposed vegetable substance.

On December 28, 1937, the Marshall Canning Co., claimant, having filed a petition for the release of 208 cases of the seized merchandise, averring that the product in the said cases complied with the provisions of the law, the court, after hearing the evidence, entered an order granting such release. On May 4, 1938, trial was had before the court with respect to the remainder (24 cases) and judgment was entered ordering that they be condemned and destroyed.

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

**28946. Adulteration of pears. U. S. v. 1 Carload of Pears. Consent decree of condemnation and destruction.** (F. & D. No. 40601. Sample No. 49742-C.)

This product was contaminated with arsenic and lead.

On September 30, 1937, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of one carload of pears at Chicago, Ill., alleging that the product had been shipped in interstate commerce on or about September 23, 1937, from Derby, Mich., by A. N. Spear, and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it harmful to health.

On October 1, 1937, the claimant having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered destroyed.

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

**28947. Misbranding of canned salmon. U. S. v. 25 Cases of Canned Salmon (and 13 similar seizure actions). Decree of condemnation. Product released under bond for relabeling.** (F. & D. Nos. 38347 to 38360, incl. Sample No. 15906-C.)

This product was pink salmon of inferior quality but its labeling represented it to be of superior quality.