

**30415. Misbranding of canned salmon. U. S. v. 100 Cartons of Canned Salmon. Decree of condemnation. Product released under bond for relabeling. (F. & D. No. 39711. Sample No. 26798-C.)**

This product was labeled to indicate that it was red salmon, whereas it consisted of pink (coho) salmon.

On June 10, 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 (amended June 19, 1937) praying seizure and condemnation of 100 cartons of canned salmon at Albany, N. Y.; alleging that the article had been shipped in interstate commerce on or about April 21, 1937, by the F. A. Gosse Co. from Seattle, Wash.; and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Red Breast Brand Salmon \* \* \* Distributed by F. A. Gosse Company Seattle, Wash."

The libel, as amended, alleged that the article was misbranded in that the design of a cut of salmon showing bright red flesh, and the statements, "Red Breast \* \* \* Salmon Fancy Cutlet \* \* \* Natural Red Color and Oil," borne on the label, were false and misleading and tended to deceive and mislead the purchaser since they created the impression that the article was red salmon; whereas it was not red salmon but was coho, and this impression was not corrected by the word "coho" borne on the label. It was alleged to be misbranded further in that it was sold under the distinctive name of another article, namely, red salmon.

On March 18, 1939, the claimant, F. A. Gosse Co., having withdrawn its exceptions theretofore filed to the libel, and having admitted the material allegations of the said libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be relabeled under the supervision of this Department.

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

**30416. Adulteration of flour. U. S. v. 498 Bags of Flour. Product ordered released under bond. (F. & D. No. 44131. Sample No. 49789-D.)**

This product, which had been shipped in interstate commerce and remained unsold and in the original packages at the time of examination, was in whole or in part insect-infested.

On October 21, 1938, the United States attorney for the Southern District of Mississippi, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 498 bags of flour at Jackson, Miss.; alleging that the article had been shipped on or about September 13, 1938, by the Oklahoma City Mill & Elevator Co. from Oklahoma City, Okla.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Choctaw Chief Strong Bakers Patent."

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

On January 26, 1939, the Merchants Co., Jackson, Miss., having appeared as claimant, judgment was entered ordering that the product be released under bond conditioned that it should not be disposed of in violation of the law.

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

**30417. Adulteration of Brazil nuts. U. S. v. 4 Bags and 14 Bags of Brazil Nuts. Default decrees of condemnation and destruction. (F. & D. Nos. 44486, 44487. Sample No. 34539-D.)**

This product, which had been shipped in interstate commerce and remained unsold in the original packages at the time of examination, was in whole or in part moldy and decomposed.

On December 8, 1938, the United States attorney for the Eastern District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 14 bags of Brazil nuts at Norfolk, Va.; alleging that the article had been shipped on or about November 2, 1938, by Wm. A. Higgins & Co., Inc., from New York, N. Y.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Sun-Glo Large Extra Quality Graded Brazils."

Adulteration was alleged in that the article consisted in whole or in part of a decomposed vegetable substance.

On February 8, 1939, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

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