

**11792. Adulteration of canned salmon. U. S. v. 999 Cases of Salmon. Tried to the court without a jury. Judgment of condemnation and forfeiture. Product released under bond to be salvaged and re-canned.** (F. & D. No. 16110. I. S. No. 4254-t. S. No. C-3507.)

On November 22, 1921, the United States attorney for the Eastern District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 999 cases of salmon, remaining in the original unbroken cases at Knoxville, Tenn., alleging that the article had been shipped by W. R. Beatty & Co., Vancouver, B. C., Canada, on or about September 22, 1921, and imported from a foreign country into the State of Tennessee, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Can) "Kay-Square Brand \* \* \* Select Pink Salmon Net Contents 15½ Oz. Keen-Eye Inspection Fresh Fish Clean Canneries \* \* \* Kenai Packing Co. Seattle, Wash. Inspected;" (case) "4 Doz. 1 Lb. Talls Pink Salmon Packed By Kenai Packing Company Drier Bay, Alaska K P <sup>K</sup><sub>02</sub>."

Adulteration of the article was alleged in the libel for the reason that it consisted in a large part, if not wholly, of a filthy, decomposed, and putrid animal substance.

On July 23, 1923, Fowler Bros. & Cox, Knoxville, Tenn., having appeared as claimant for the property and the case having come on for final disposition before the court without a jury, a decree of condemnation and forfeiture was entered on the ground that the product consisted in part of a filthy, decomposed, and putrid animal substance, and it was ordered by the court that the said product be released to the claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$5,000, in conformity with section 10 of the act, conditioned in part that it be shipped to a salmon canning establishment satisfactory to this department for the purpose of being salvaged and reconditioned by actual recanning, the bad portion to be destroyed or the entire lot to be destroyed if the reconditioning was unsuccessful, under the supervision of this department.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11793. Adulteration and misbranding of vinegar. U. S. v. 2 Half Barrels and 1 Barrel of Vinegar. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 16326. I. S. Nos. 9335-t, 9336-t. S. No. E-3869.)

On May 25, 1922, the United States attorney for the Western District of South Carolina, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 2 half barrels and 1 barrel of vinegar, remaining in the original unbroken packages at Prosperity, S. C., alleging that the article had been shipped by the Fruit Products Co., from Savannah, Ga., on or about April 24, 1922, and transported from the State of Georgia into the State of South Carolina, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Fruit Products Red Distilled Vinegar Colored \* \* \* Pickling Savannah, Ga."

Adulteration of the article was alleged in the libel for the reason that a substance, excessive water, had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality or strength and had been substituted wholly or in part for the said article.

Misbranding was alleged in substance for the reason that the labels bore the statements regarding the article, "Fruit Products Red Distilled Vinegar Colored 34 Pickling Savannah, Ga." or "Fruit Products Red Vinegar Colored 48 Pickling Savannah, Ga.," as the case might be, which were false and misleading and deceived and misled the purchaser, since the article was not red distilled vinegar but had been adulterated with excessive water. Misbranding was alleged for the further reason that the article was an imitation of and offered for sale under the distinctive name of another article.

On November 15, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*