

17362. Adulteration and misbranding of jellies. U. S. v. 2 Cases of Raspberry Pectin Jelly, et al. Default decree of condemnation and forfeiture. Product ordered destroyed or delivered to charitable institution. (F. & D. No. 24692. I. S. No. 019247. S. No. 3010.)

On March 28, 1930, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 8 cases of various jellies, remaining in the original unbroken packages at Portland, Oreg., alleging that the articles had been shipped by C. R. Merrifield & Co., from Seattle, Wash., in two lots on or about October 12 and 16, 1930 (1929), and transported from the State of Washington into the State of Oregon, and charging adulteration and misbranding in violation of the food and drugs act. The articles were labeled in part: "Merrifield's Raspberry [or "Strawberry" or "Loganberry" or "Blackberry"] Pectin Jelly Acid Added * * * C. R. Merrifield & Co., Seattle, Wash."

It was alleged in the libel that the articles were adulterated in that imitation jellies had been mixed and packed with the said articles, and had been substituted in whole or in part for raspberry pectin jelly, strawberry pectin jelly, loganberry pectin jelly, and blackberry pectin jelly. Adulteration was alleged with respect to the raspberry and strawberry flavored jellies for the further reason that they were colored in a manner whereby inferiority was concealed.

Misbranding was alleged for the reason that the designations, "Raspberry Pectin Jelly," "Strawberry Pectin Jelly," "Loganberry Pectin Jelly," and "Blackberry Pectin Jelly," were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the articles were imitations of raspberry pectin jelly, strawberry pectin jelly, loganberry pectin jelly, and blackberry pectin jelly, as the case might be.

On May 12, 1930, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the products be destroyed, or distributed to charitable institutions, by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17363. Adulteration of canned salmon. U. S. v. S69 Cases, et al., of Canned Salmon. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24184. I. S. No. 019285. S. No. 2414.)

On March 25, 1930, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 3,049 cases of canned salmon, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the Copper River Packing Co., from Port Nellie Juan, Alaska, on July 23, 1929, and transported from the Territory of Alaska into the State of Washington, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a decomposed animal substance.

On April 16, 1930, the Copper River Packing Co., Seattle, Wash., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$5,000, conditioned in part that it be salvaged under the supervision of this department, and the portion found in violation of the law destroyed.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17364. Adulteration and misbranding of canned tomatoes. U. S. v. 1000 Cases of Canned Tomatoes. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24239. I. S. No. 024043. S. No. 2487.)

On November 13, 1929, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 1,000 cases of canned tomatoes, remaining in the original unbroken packages at Paterson, N. J., alleging that the article had been shipped by W. H. Sanford, from Kinsale, Va., on or about September 17, 1929, and transported from the State of Virginia into the State of New Jersey, and