

unbroken packages at Terre Haute, Ind., alleging that the article had been shipped on or about June 24, 1930, by the North Lubec Manufacturing & Canning Co., from St. Andrew, New Brunswick, in the Dominion of Canada, into the State of Indiana, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Eagle Brand American Sardines \* \* \* Packed by North Lubec Manufacturing and Canning Co., Factories—North Lubec and Stonington, Me."

It was alleged in the libel that the article was adulterated in that it consisted wholly or partly of a filthy, decomposed, or putrid animal substance; and for the further reason that it was the product of diseased animals.

On May 9, 1931, 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.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**18150. Adulteration and misbranding of canned salmon. U. S. v. Robert Damus, Harry Buttnick, Buttnick Manufacturing Co., and Puget Sound Salmon Canning Co. Tried to the court and a jury. Verdict of guilty found against all defendants. Fines, totaling \$2,200. (F. & D. No. 25033. I. S. Nos. 04006, 021549, 021550.)**

A large proportion of the canned salmon from the shipments herein described was found upon examination by this department to be putrid, tainted, or stale. Portions of the article were found to be labeled with misrepresentations as to its quality, also as to the name of the packer of the goods.

On September 30, 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 the district aforesaid an information against Robert Damus and Harry Buttnick, individuals, and the Buttnick Manufacturing Co. and Puget Sound Salmon Canning Co., corporations, all of Seattle, Wash., said individuals and corporations trading under the names of R. Damus Co., R. Damus, Broker, and R. Damus, Gen. Basic Prods., alleging shipments by said defendants, in violation of the food and drugs act, in part on or about September 17, 1929, and in part on or about October 22, 1929, from the State of Washington into the State of Georgia, of quantities of canned salmon which was adulterated, and a portion of which was also misbranded. A portion of the shipment of October 22, 1929, was labeled in part: "The Best Red Fish Caught in Alaska Waters \* \* \* Packed By Pacific Coast & Norway Packing Company, Petersburg, Alaska."

It was alleged in the information that the article was adulterated in that it consisted in part of a filthy and decomposed and putrid animal substance.

Misbranding was alleged with respect to a portion of the article for the reason that the statements, "The Best Red Fish Caught in Alaska Waters," and "Packed By Pacific Coast and Norway Packing Company, Petersburg, Alaska," borne on the cans containing the article, were false and misleading, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser, in that the said statements represented that the article was the best red fish caught in Alaska waters and was packed by the Pacific Coast & Norway Packing Co., at or near Petersburg, Alaska; whereas it was a poor grade of salmon containing a large proportion of filthy, decomposed, and putrid fish, and was not packed by the Pacific Coast & Norway Packing Co., at or near Petersburg, Alaska.

On March 25, 1931, pleas of not guilty having been entered by or on behalf of the defendants, the case came on for trial before the court and a jury. On March 26, 1931, all evidence having been introduced and arguments of counsel for the Government and defendants having been presented, the case was given to the jury which, after due deliberation, returned verdicts of guilty against the defendants on all counts. The court thereupon rendered judgment imposing a fine of \$300 and three months in jail on Robert Damus, \$350 and seven months in jail on Harry Buttnick, and a fine of \$300 on each of the defendant corporations.

The defendants promptly moved for a new trial, which motion was denied by the court on April 6, 1931, and they were ordered to reappear on April 7, 1931, for re-sentencing. At that time the court imposed fines of \$800 each against Robert Damus and Harry Buttnick, and reimposed the fines of \$300 against each of the defendant corporations.

ARTHUR M. HYDE, *Secretary of Agriculture.*