

State of Minnesota into the State of Ohio, 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 part of a filthy and putrid animal substance, and for the further reason that it consisted of portions of animals unfit for food.

On April 5, 1932, no claimant having appeared for the property, and the court having found that the fish were spoiled and unfit for human consumption, judgment was entered ordering that the product be destroyed by the United States marshal.

HENRY A. WALLACE, *Secretary of Agriculture.*

19727. Adulteration of celery. U. S. v. 352 Boxes of Celery. Default decree of destruction entered. (F. & D. No. 27807. I. S. No. 47024. S. No. 5904.)

This action was based on the interstate shipment of a quantity of celery which, upon examination, was found to be heavily infested with worms.

On March 3, 1932, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 352 boxes of celery at Minneapolis, Minn., alleging that the article had been shipped by Chase & Co., from Sanford, Fla., on or about February 20, 1932, and had been transported from the State of Florida into the State of Minnesota, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Florida Celery Diamond Brand Good Grade and Pack Chase & Co. Sanford, Fla."

It was alleged in the libel that the article was adulterated in that said celery consisted in part of filthy, decomposed, and putrid vegetable substance and was unfit for food.

On April 2, 1932, no claimant having appeared for the property, judgment was entered by the court ordering that the product be destroyed by the United States marshal.

HENRY A. WALLACE, *Secretary of Agriculture.*

19728. Adulteration of walnuts. U. S. v. 135 Sacks of Walnuts in Shell. Consent decree adjudging the product adulterated, and ordering that it be released under bond to be shelled and sorted. (F. & D. No. 27617. I. S. No. 41291. S. No. 5603.)

Samples of walnuts taken from the interstate shipment involved in this action were found to be wormy, moldy, decomposed, and shriveled.

On December 30, 1931, the United States attorney for the District of Nebraska, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 135 sacks of walnuts in shell at Grand Island, Nebr., alleging that the article had been shipped by the Whittier Walnut Packing Co., from Whittier, Calif., on or about December 3, 1931, and had been transported from the State of California into the State of Nebraska, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "California Walnuts Evergreen Packed by the Whittier Walnut Packing Co. Whittier, Calif."

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy, decomposed, or putrid vegetable substance.

On March 30, 1932, the Whittier Walnut Packing Co., claimant, having admitted the allegations of the libel and consented to the entry of judgment for condemnation and forfeiture of the property, judgment was entered finding the product adulterated and it was ordered by the court that the product be delivered to said claimant upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned that it should not be sold or disposed of contrary to the food and drugs act and all other laws. It was further ordered that the nuts be shelled, the decomposed portions removed, and that the good portions be released unconditionally.

HENRY A. WALLACE, *Secretary of Agriculture.*

19729. Adulteration of fish. U. S. v. 10 Boxes of Fresh Fish. Decree of destruction entered. (F. & D. No. 27406. I. S. No. 50001. S. No. 5595.)

Samples of fish from the interstate shipment herein described having been found to be infested with parasitic worms, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Michigan.

On December 18, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 10 boxes of fish at Detroit, Mich., alleging that the article had been shipped in interstate commerce on or about December 12, 1931, by the Lake Superior Fish Co., from Duluth, Minn., to Detroit, Mich., 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 part of a filthy, decomposed, and putrid animal substance, and in that it consisted of portions of animals unfit for food.

On February 4, 1932, no claimant having appeared for the property, judgment was entered by the court ordering that the product be destroyed by the United States marshal.

HENRY A. WALLACE, *Secretary of Agriculture.*

19730. Adulteration of canned salmon. U. S. v. 195 Cases, et al., of Canned Salmon. Consent decrees of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 27614, 27741. I. S. Nos. 39249, 43853. S. Nos. 5656, 5833.)

This action involved the interstate shipment of quantities of canned salmon, samples of which were found to be stale and tainted.

On December 30, 1931, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 195 cases of canned salmon at Erie, Pa. On February 13, 1932, the United States attorney for the Southern District of New York filed a libel against 249 cases of the same product at New York, N. Y. It was alleged in the libels that the article had been shipped in interstate commerce by McGovern & McGovern, from Seattle, Wash., the former on or about September 14, 1931, to Erie, Pa., and the latter on or about October 8, 1931, to New York, N. Y., and that it was adulterated in violation of the food and drugs act. The article was labeled in part: (Cans) "Sea Flyer Brand Alaska Pink Salmon * * * Distributed by McGovern & McGovern, Seattle, U. S. A."

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

The Wrangell Packing Corporation, Seattle, Wash., entered an appearance and filed a claim in both cases. On April 12 and April 22, 1932, the claimant having admitted the material allegations of the libels and consented to the entry of decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the said claimant for shipment to San Francisco, Calif., for the purpose of separating the good from the bad portion and destroying the bad portion, upon payment of costs and the execution of bonds totaling \$3,500, conditioned that it should not be disposed of in violation of the Federal food and drugs act and all other laws.

HENRY A. WALLACE, *Secretary of Agriculture.*

19731. Adulteration of tomato puree. U. S. v. 20 Cases of Tomato Puree. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27785. I. S. No. 32605. S. No. 5871.)

This action was based on the interstate shipment of canned tomato puree, samples of which were found to contain excessive mold.

On February 27, 1932, the United States attorney for the District of New Mexico, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 20 cases of tomato puree at Albuquerque, N. Mex., alleging that the article had been shipped by the Utah Fish Canning Co., from Five Points, Utah, on or about September 2, 1931, and had been transported from the State of Utah into the State of New Mexico, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Cases and cans) "Tomato Puree Made From Pieces and Trimmings * * * Packed by Utah Fish Canning Company."

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

On April 13, 1932, 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.

HENRY A. WALLACE, *Secretary of Agriculture.*