

19755. Adulteration of canned salmon. U. S. v. Hood Bay Canning Co. Plea of guilty. Fine, \$100 and costs. (F. & D. No. 27565. I. S. No. 22327.)

This action was based on a shipment of canned salmon, samples of which were found to be putrid, tainted, and stale.

On April 18, 1932, 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 the Hood Bay Canning Co., a corporation, Seattle, Wash., alleging shipment by said company, on or about August 27, 1930, in violation of the food and drugs act from Hood Bay, Territory of Alaska, into the State of Washington, of a quantity of canned salmon that was adulterated.

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

On April 29, 1932, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100 and costs.

HENRY A. WALLACE, *Secretary of Agriculture.*

19756. Adulteration of pecans. U. S. v. 44 Bags of Pecans. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 27591. I. S. No. 45465. S. No. 5625.)

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

On or about December 29, 1931, the United States attorney for the Northern District of Illinois, 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 44 bags of pecans at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about February 24, 1931, by W. A. Robinson from St. Joseph, La., to Chicago, Ill., 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 decomposed, filthy, and putrid vegetable substance.

On April 27, 1932, James P. Allen, claimant, having admitted the facts set forth in 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 for sorting under the supervision of this department, in order to separate the good nuts from the bad nuts, upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned in part that it should not be sold or disposed of contrary to the provisions of the food and drugs act or the laws of any State, Territory, District, or insular possession.

HENRY A. WALLACE, *Secretary of Agriculture.*

19757. Misbranding of canned tomato sauce. U. S. v. Walter M. Field & Co., and Bayside Canning Co. Pleas of guilty. Walter M. Field & Co., fined \$25. Bayside Canning Co., fined \$50. (F. & D. No. 27505. I. S. No. 12381.)

This action was based on the interstate shipment of a quantity of canned tomato sauce, samples of which were found to be short of the declared weight.

On February 15, 1932, the United States attorney for the Northern District of California, 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 Walter M. Field & Co., a copartnership, San Francisco, Calif., and the Bayside Canning Co., a corporation, Alviso, Calif., alleging shipment by said defendants, in violation of the food and drugs act as amended, on or about January 13, 1931, from the State of California into the State of Washington, of a quantity of canned tomato sauce that was misbranded. The article was labeled in part; (Can) "Red and White Brand Concentrated Tomato Sauce * * * Contents 8 Oz."

It was alleged in the information that the article was misbranded in that the statement "Contents 8 Oz.," borne on the can label, was false and misleading, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser, since the cans did not contain 8 ounces of the article, but did contain a less amount. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect.