

misbranding in violation of the Food and Drugs Act. A portion of the article was labeled; (Can) "Cottage Brand Red Choice Chinook Salmon \* \* \* Packed by Red Salmon Canning Co."; the word "Red" appearing across the cut of a fish. The remainder was labeled: "Fancy Quality \* \* \* Fresh Spring Chinook Salmon Packed for G. W. Bume Co., Benicia \* \* \* Cal."

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

Misbranding was alleged for the reason that the statement, "Fancy Quality Fresh Spring \* \* \* Salmon", as applied to a low-grade salmon which was in part decomposed, the word "Red" across the cut of a fish, and the statements, "Choice \* \* \* Red Salmon Canning Co.", as applied to a chinook variety of salmon, were false and misleading and tended to deceive and mislead the purchaser.

On June 28, 1934, 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.

M. L. WILSON, *Acting Secretary of Agriculture.*

**22769. Misbranding of canned tomatoes. U. S. v. 998 Cases, et al., of Canned Tomatoes. Decrees of condemnation and forfeiture. Product released under bond to be relabeled.** (F. & D. nos. 32674, 32760, 32785 to 32788, incl. Sample nos. 35397-A to 35400-A, incl., 46615-A, 46616-A, 62037-A, 66498-A, 66499-A.)

These cases involved shipments of canned tomatoes which fell below the standard established by the Secretary of Agriculture, because of the presence of excessive peel, and which were not labeled to indicate that they were substandard.

On May 3, May 24, and May 29, 1934, the United States attorney for the Eastern District of Louisiana, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 3,321 cases of canned tomatoes at New Orleans, La., alleging that the article had been shipped in interstate commerce, by Roberts Bros., Inc., in part on or about March 7, 1934, from Winter Haven, Fla., and in part on or about March 17 and 19, 1934, from Tampa, Fla., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Roberts Big R. Brand Tomatoes \* \* \* Packed by Roberts Bros. Incorporated, Main Office Baltimore, Md."

It was alleged in the libels that the article was misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture because of excessive peel, and its package or label did not bear a plain and conspicuous statement prescribed by regulation of this Department, indicating that it fell below such standard.

On June 30, 1934, Roberts Bros., Inc., Baltimore, Md., having appeared as claimant for the property and having admitted the allegations of the libels, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of bonds totaling \$11,520, conditioned that it be relabeled under the supervision of this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*

**22770. Misbranding of mixed vegetables. U. S. v. 50 Cases of Mixed Vegetables. Default decree of condemnation and forfeiture. Product delivered to charitable institution.** (F. & D. no. 32675. Sample no. 63155-A.)

This case involved a shipment of canned mixed vegetables which was composed of different vegetables than represented on the label.

On May 3, 1934, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 50 cases of mixed vegetables at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce, on or about October 24, 1933, by the Rocky Mountain Packing Corporation, of Salt Lake City, Utah, from Manti, Utah, and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Black and White Brand Mixed Vegetables \* \* \* Haas Baruch and Co., Los Angeles, Calif."

It was alleged in the libel that the article was misbranded in that the design on the label, which included prominent pictorial representations of asparagus,