

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,

pimiento and string beans, was false and misleading and tended to deceive and mislead the purchaser, since the article contained none of those vegetables.

On July 23, 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 delivered to a charitable institution.

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

22771. Misbranding of jellies. U. S. v. 96 Cases of Assorted Jellies. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32680. Sample nos. 60865-A to 60868-A, incl.)

Sample jars of jellies taken from the shipment involved in this case were found to contain less than 5 ounces, the labeled weight.

On May 4, 1934, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 96 cases of assorted jellies at Cincinnati, Ohio, consigned by the C. H. Musselman Co., from Biglerville, Pa., on or about December 7, 1933, alleging that the article had been shipped in interstate commerce, from the State of Pennsylvania into the State of Ohio, and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Musselman's Brand * * * Jelly Manufactured by The C. H. Musselman Co., Biglerville, Pa. Net Contents 5 Oz. [or "Contents 5 Oz."]."

It was alleged in the libel that the article was misbranded in that the statements on the labels, "Net Contents five ounces" or "Contents Five Ounces", were false and misleading and tended to deceive and mislead the purchaser. 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.

On June 2, 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.*

22772. Adulteration of egg noodles. U. S. v. 18 Cases and 5 Cases of Egg Noodles. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32681. Sample nos. 71094-A, 71095-A.)

This case involved a shipment of egg noodles which were artificially colored yellow.

On May 17, 1934, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 23 cases of egg noodles at Portland, Oreg., alleging that the article had been shipped in interstate commerce on or about March 23, 1934, by Tsue Chong, from Seattle, Wash., and charging adulteration in violation of the Food and Drugs Act. A portion of the article was labeled: (Package) "Real Chinese Made Rose Brand Fresh Egg Noodles." The remainder was labeled: (Case) "Fresh Egg Noodles * * * Rose Brand Genuine Chinese Noodles Made by Tsue Chong Co., * * * Seattle, Wash."

It was alleged in the libel that the article was adulterated in that it was colored in a manner whereby inferiority was concealed.

On July 17, 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.*

22773. Adulteration and misbranding of whisky. U. S. v. 21 Bottles of Whisky. Decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. no. 32682. Sample no. 12230-A.)

This case involved artificially flavored and colored pomace and raisin brandy which was labeled "Whiskey."

On May 4, 1934, the United States attorney for District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the District of Columbia, holding a district court, a libel praying seizure and condemnation of 21 bottles of whisky at Washington, D. C., alleging that the article was in possession of Clark's, Inc., Washington, D. C., and was being