

25165. Adulteration of canned salmon. U. S. v. 785 Cases of Canned Salmon. Consent decree of condemnation. Product released under bond. (F. & D. no. 36317. Sample nos. 38096-B, 40526-B.)

This case involved a shipment of canned salmon which was in part decomposed.

On September 12, 1935, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 785 cases of canned salmon at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about July 20, 1935, by the Deep Sea Salmon Co., from Skowl Arm, Alaska, and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed or putrid animal substance.

On September 25, 1935, the Deep Sea Salmon Co., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment was entered finding the product adulterated in that it consisted in whole or in part of a decomposed animal substance and ordering that it be condemned. The decree provided, however, that the product might be released under bond conditioned that the decomposed portion be segregated and destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

25166. Adulteration and misbranding of macaroni. U. S. v. 21 Boxes of Macaroni. Default decree of condemnation and destruction. (F. & D. no. 35738. Sample nos. 35817-B, 35818-B, 35819-B.)

This case involved macaroni made of wheat flour, apparently of first-run flour, and containing artificial color, which was represented to be macaroni made from semolina, and which failed to bear on the label a statement of the quantity of the contents.

On July 11, 1935, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 21 boxes of macaroni at Denver, Colo., consigned by the Western Macaroni Manufacturing Co., Salt Lake City, Utah, alleging that the article had been shipped in interstate commerce on or about April 10, 1935, from the State of Utah into the State of Colorado, and charging adulteration and misbranding in violation of the Food and Drugs Act. The shipment consisted of three varieties, labeled "Spaghetti", "Mustaciol", and "Ditalini", respectively, all of which were further labeled: "Diamond 'A' Brand Macaroni. Prepared for Diamond 'A' Market Iacino Brothers Proprietors, Denver, Colo. Made of 100% High Grade Semolina."

The article was alleged to be adulterated in that a product made of wheat flour and containing added yellow color had been substituted for macaroni made from 100 percent semolina, which the article purported to be. Adulteration was alleged for the further reason that the article was colored in a manner whereby inferiority was concealed.

Misbranding was alleged for the reason that the following statements appearing in the label were false and misleading and tended to deceive and mislead the purchaser when applied to a product which was not 100 percent semolina and which was artificially colored: "Macaroni * * * Made of 100% High Grade Semolina", "Mustaciol Queen's Taste Insuperabile", "Ditalini", "Spaghetti." Misbranding was alleged for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On September 4, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

25167. Misbranding of canned peaches. U. S. v. 256 Cases of Canned Peaches. Decree of condemnation. Product released under bond to be relabeled. (F. & D. no. 36213. Sample no. 29903-B.)

This case involved canned peaches which were substandard and were not labeled to indicate that fact.

On August 26, 1935, the United States attorney for the Northern District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 256 cases of canned peaches at Birmingham, Ala., alleging that the article had been shipped in interstate commerce on or about July 23, 1935, by the Georgia Canning Co., from