

as to reduce or lower its quality or strength; and in that tea-seed oil had been substituted in whole or in part for olive oil, which the article purported to be.

Misbranding of the said adulterated lots was alleged in that the following statements and design, appearing in the labeling, were false and misleading and tended to deceive and mislead the purchaser when applied to a product that contained tea-seed oil: (cans and bottles) "Pure Imported Olive Oil", (cans) "Importato Puro Olio d' Oliva * * * This Olive Oil is guaranteed to be absolutely pure and indisputably better than that of any other origin both for its natural goodness and exceptional purity * * * Questo Olio e garantito di pura oliva. e indiscutibilmente superiore a quello di qualsiasi altra origine sia per la sua naturale bonta che per la sua speciale raffinatezza * * * [designs of olive branches]"; and in that the article was offered for sale under the distinctive name of another article, namely, olive oil.

The article in the gallon, half-gallon, and quart cans was alleged to be misbranded in that the following statements on the labels were false and misleading and tended to deceive and mislead the purchaser when applied to a product that was short in volume, "One Gallon", "Half Gallon", and "One Quart"; and in that it was food in package form and the quantity of contents was not plainly and conspicuously marked on the outside of the package since the statement made was not correct.

On May 5, 1936, no claimant having appeared, judgment of condemnation was entered, and it was ordered that the product be turned over to a public institution.

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

26008. Adulteration and alleged misbranding of canned salmon. U. S. v. 400 Cases of Canned Salmon. Default decree of condemnation and destruction. (F. & D. no. 37314. Sample no. 54852-B.)

This case involved a shipment of canned salmon that consisted in whole or in part of a decomposed animal substance.

On March 5, 1936, the United States attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 400 cases of canned salmon at Milwaukee, Wis., alleging that the article had been shipped in interstate commerce on or about October 25, 1935, by F. A. Gosse Co., from Seattle, Wash., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was variously labeled in part: "Pink Rose Brand Fancy Salmon * * * Finest Quality Pink Salmon"; "Pink Rose Salmon Distributed by F. A. Gosse Co., Seattle, USA."

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

The article was alleged to be misbranded in that the statements on the labels, "Fancy Salmon" and "Finest Quality", were false and misleading and tended to deceive and mislead the purchaser when applied to a product containing decomposed salmon.

On June 19, 1936, no claimant having appeared, judgment was entered finding the product adulterated and ordering that it be condemned and destroyed.

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

26009. Misbranding of canned tuna. U. S. v. 100 Cases and 100 Cases of Canned Tuna. Decree of condemnation. Product released under bond to be relabeled. (F. & D. no. 37315. Sample nos. 34792-B, 34794-B.)

This case involved shipment of canned tuna that was short in weight.

On March 5, 1936, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 200 cases of canned tuna at Boston, Mass., alleging that the article had been shipped in interstate commerce on or about February 9, 1936, by the Coast Fishing Co., from Wilmington, Calif., and charging misbranding in violation of the Food and Drugs Act as amended. A portion of the article was labeled in part, "Super Light Meat Tuna Fish, Contents 7 oz. avoird., Distributors, M. J. Caplan Co., Incorporated, Lawrence, Mass."; and a portion was labeled in part, "Sun Harbor Brand California Light Meat Tuna, Net Contents 7 oz. Packed by Cohn-Hopkins, Inc., Quality Packers, San Diego, Calif."

The article was alleged to be misbranded in that the statements, "Contents 7 oz. avoird." and "Net Contents 7 oz.", borne on the respective labels, were false and misleading and tended to deceive and mislead the purchaser when applied to a product packed in cans containing less than 7 ounces; and in that