

part: "One Gallon [or "Half Gallon"] Buffalo Brand * * * Packed by De Luca Olive Oil Co., Inc., New York."

The article was alleged to be misbranded in that the statements on the label, "One Gallon" or "Half Gallon", as the case might be, were false and misleading and tended to deceive and mislead the purchaser when applied to a product which was short in volume; 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 quantity stated 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.*

26015. Misbranding of canned cherries. U. S. v. 164 Cases of Canned Cherries. Product released under bond to be relabeled. (F. & D. no. 37341. Sample no. 51495-B.)

This case involved shipment of canned cherries that fell below the standard established by this Department because of the presence of an excessive percentage of pits and which were not labeled to indicate that they were substandard.

On March 10, 1936, the United States attorney for the Eastern District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 164 cases of canned cherries at Richmond, Va., alleging that the article had been shipped in interstate commerce on or about January 6, 1936, by the Empire State Pickling Co., from Phelps, N. Y., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Pocahontas Brand Red Sour Pitted Cherries in Water * * * Packed for H. P. Taylor, Jr., Inc., Sole Distributors, Richmond, Va."

The article was alleged to be misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture since it contained an excessive number of pits, 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 April 20, 1936, the Empire State Pickling Co., having appeared as claimant for the article, a decree was entered ordering that the product be released under bond conditioned that it be relabeled.

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

26016. Adulteration of canned salmon. U. S. v. 48 Cases of Salmon. Default decrees of condemnation and destruction. (F. & D. no. 37344. Sample nos. 65106-B, 65134-B.)

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

On March 10, 1936, 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 48 cases of coho salmon at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about August 26, 1935, by the Ocean Packing Co., from Klawock, 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 animal substance.

On June 10, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the article be destroyed.

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

26017. Adulteration of canned salmon. U. S. v. 109 Cases of Canned Salmon. Consent decree of condemnation. Product released under bond. (F. & D. no. 37349. Sample nos. 65109-B, 65132-B.)

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

On March 9, 1936, 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 109 cases of canned salmon at Seattle, Wash., alleging that the article had been shipped in interstate commerce, on or about August 27, 1935, by the O. L. Grimes Packing Co., from Uzinkl, Alaska, and charging adulteration in violation of the Food and Drugs Act.