

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

On March 18, 1936, O. L. Grimes having appeared as claimant for the article and having consented to the entry of a decree, judgment of condemnation was entered, and it was ordered that the product be released under bond conditioned that it not be disposed of in violation of the Food and Drugs Act.

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

**26018. Adulteration of canned salmon. U. S. v. 302 Cartons of Salmon. Consent decree of condemnation. Product released under bond. (F. & D. no. 37350. Sample nos. 64974-B, 65136-B.)**

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

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 302 cartons, each containing 48 unlabeled cans of salmon at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about July 28 and August 10, 1935, by the Premier Salmon Co., from Stevens Creek, 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 March 16, 1936, the Premier Salmon Co., claimant, having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it should not be disposed of in violation of the law.

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

**26019. Adulteration of canned salmon. U. S. v. 1,956 Cases of Canned Salmon. Consent decree of condemnation. Product released under bond. (F. & D. no. 37353. Sample nos. 64969-B, 65135-B.)**

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

On March 12, 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 1,956 cases of unlabeled cans of pink salmon at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about August 6, 1935, by the Herbert L. Dominici Cannery, from Uyak, 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 March 18, 1936, H. T. Dominici having appeared as claimant for the article and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it not be disposed of in violation of the Food and Drugs Act.

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

**26020. Adulteration and misbranding of peach preserves. U. S. v. 30 Cases of Peach Preserves. Default decree of condemnation and destruction. (F. & D. no. 37356. Sample no. 48083-B.)**

This case involved shipment of peach preserves that were deficient in fruit and that contained an excess of sugar and added acid.

On March 12, 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 30 cases of peach preserves at Milwaukee, Wis., alleging that the article had been shipped in interstate commerce on or about January 18, 1936, by Holsum Products from Cleveland, Ohio, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Silver Buckle Brand \* \* \* Pure Peach Preserves, Distributed by E. R. Codfrey & Sons Co., Milwaukee, Wis."

The article was alleged to be adulterated in that a mixture of sugar and acid had been mixed and packed with the article so as to reduce and lower its quality; in that a mixture of fruit, sugar, and acid, containing less fruit and more sugar than a preserve should contain had been substituted for preserve; and in that a mixture of sugar and acid had been mixed with the article in a manner whereby inferiority was concealed.

The article was alleged to be misbranded in that the statement on the label, "Pure Peach Preserves", was false and misleading and tended to deceive and

mislead the purchaser when applied to a product that consisted of a mixture of fruit, sugar, and acid and that contained less fruit and more sugar than a preserve should contain; and in that it was an imitation of and offered for sale under the distinctive name of another article.

On April 28, 1936, 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.*

**26021. Adulteration and misbranding of wine. U. S. v. 180 Cases of Wine. Product released under bond to be relabeled. (F. & D. no. 37359. Sample nos. 56103-B to 56111-B, incl.)**

These products were represented to be cherry, peach, strawberry, apricot, or blackberry wines. Examination showed that they were mixtures of grape wine, alcohol, and the fruit named on the label; also that certain lots were short in volume. The label failed to bear a proper declaration of the alcohol content since it was not stated whether the percentage declared referred to volume or to weight.

On March 13, 1936, 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 180 cases of wine at Cincinnati, Ohio, consigned about December 11, 1935, alleging that the article had been shipped in interstate commerce by the Eastern Wine Corporation, from New York, N. Y., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Contents 4/5 Quart [or "Contents one pint"] \* \* \* Alcohol 20 per cent Chateau Martin Finest Vintage Cherry [or "Peach", "Strawberry", "Apricot", or "Blackberry"] Wine \* \* \* Prepared and bottled by Eastern Wine Corp. Tulare, Cal. New York, N. Y."

The article was alleged to be adulterated in that a mixture of grape wine, alcohol, and cherry (or peach, strawberry, apricot, or blackberry) flavor had been substituted for cherry, peach, strawberry, apricot, or blackberry wine, which the article purported to be.

The product was alleged to be misbranded in that the statements on the labels, "Cherry [or "Strawberry", "Peach", "Apricot", or "Blackberry"] Wine", and "We Guarantee the contents of this package to be made from fresh fruits \* \* \*", were false and misleading and tended to deceive and mislead the purchaser when applied to a product consisting of grape wine, alcohol, and flavoring; in that the statement on the label, "Alcohol 20 Per Cent", was misleading and tended to deceive and mislead the purchaser since it was ambiguous; and in that the article was an imitation of and offered for sale under the distinctive name of other articles.

All the 4/5-quart bottles and the 1-pint bottles of strawberry wine were alleged to be misbranded in that the statements on the labels, "Contents 4/5 Quart" and "Contents One Pint", were false and misleading and tended to deceive and mislead the purchaser when applied to a product that 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 21, 1936, the Eastern Wine Corporation, having appeared as claimant and having consented to the entry of a decree, judgment was entered finding the product adulterated and misbranded, and ordering that it be released under bond conditioned that it be relabeled.

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

**26022. Adulteration of shelled walnuts. U. S. v. 25 Cases of Shelled Walnuts. Consent decree of condemnation. Product released under bond. (F. & D. no. 37368. Sample no. 65284-B.)**

This case involved a shipment of shelled walnuts that were in part insect-infested, moldy, rancid, and decomposed.

On March 14, 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 25 cases of shelled walnuts at Seattle, Wash., alleging that the article had been shipped in interstate commerce, on or about February 29, 1936, by the Herman C. Fisher Co., from San Francisco, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Shelled California Walnuts