

26298. Adulteration and misbranding of canned tomato juice. U. S. v. 97 Cartons and 180 Cases of Tomato Juice. Product released under bond to be relabeled. (F. & D. nos. 37340, 37452. Sample nos. 60751-B, 65333-B.)

These cases involved tomato juice that was diluted with water.

On March 9 and March 24, 1936, the United States attorneys for the Western District of Washington and the District of Utah, acting upon reports by the Secretary of Agriculture, filed in the respective district courts libels praying seizure and condemnation of 38 cartons of canned tomato juice at Seattle, Wash., and 180 cases of canned tomato juice at Salt Lake City, Utah. On March 11, 1936, the libel filed in the Western District of Washington was amended to cover 97 cartons of the product. The libels alleged that the article had been shipped in interstate commerce by Stokely Bros. & Co., Inc., in part on or about June 1, 1935, from Oakland, Calif., and in part on or about June 19, 1935, from Melrose, Calif., and that it was adulterated and misbranded in violation of the Food and Drugs Act. The article was labeled in part: "Stokely's Finest Tomato Juice * * * Stokely Bros. & Co., Inc. * * * Indianapolis, Ind."

The article was alleged to be adulterated in that water had been mixed and packed therewith so as to reduce or lower its quality or strength; and in that water had been substituted wholly or in part for the article.

The article was alleged to be misbranded in that the statement "Tomato Juice" was false and misleading and tended to deceive and mislead the purchaser.

C. P. Dorr, of Oakland, Calif., appeared as claimant in both actions. On July 29, 1936, the claimant having consented to the entry of a decree in the case instituted in the Western District of Washington, judgment of condemnation was entered and the court ordered the product released under bond to be relabeled. On August 8, 1936, the claimant having admitted the allegations of the libel in the remaining case, a decree was entered ordering that the product be released under bond for relabeling.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26299. Adulteration of canned salmon. U. S. v. 267 Cases of Salmon. Consent decree of condemnation. Product released under bond. (F. & D. no. 37770. Sample no. 71419-B.)

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

On June 1, 1936, the United States attorney for the Western District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 267 cases of salmon at Memphis, Tenn., alleging that the article had been shipped in interstate commerce on or about October 26, 1935, by the New England Fish Co., from Portland, Oreg., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Pillar Rock Brand Spring Pack Columbia River Fancy Chinook Salmon."

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

On July 9, 1936, the New England Fish Co., of Seattle, Wash., 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 on condition that the product be segregated and reconditioned.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26300. Adulteration of dried peaches. U. S. v. 138 Boxes and 14 Boxes of Dried Peaches. Default decrees of condemnation and destruction. (F. & D. nos. 37831, 37832. Sample nos. 69439-B, 69440-B, 70253-B, 70254-B.)

These cases involved dried peaches that were insect-infested.

On or about June 26, 1936, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 152 boxes of dried peaches at Baltimore, Md., alleging that the article had been shipped in interstate commerce on or about April 17, 1936, by the Consolidated Packing Co., from San Francisco, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Matador Brand Standard Calif. Peaches [or "Imperial Brand Extra Fancy Yellow Peaches"] Consolidated Pkg. Co. San Francisco, Calif."

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

On August 20, 1936, no claimant having appeared, judgments of condemnation were entered and it was ordered that the product be destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*