26384. Adulteration of shelled walnuts. U. S. v. Herman C. Fisher Co. Plea of guilty. Fine, $2. (F. & D. no. 37991. Sample nos. 65283-B, 65284-B.)

This case involved an interstate shipment of shelled walnuts which were filthy and decomposed.

On September 23, 1936, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Herman C. Fisher Co., a corporation located at San Francisco, Calif., alleging that on or about February 29, 1936, said defendant had shipped from the State of California into the State of Washington a quantity of walnuts which were adulterated in violation of the Food and Drugs Act. The article, consisting of two shipments, was labeled in part: "California Shelled Walnuts R & H Seattle, Wash."; "Shelled California Walnuts Fisher's Special Amber Herman C. Fisher Co., San Francisco, Calif."

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

On October 5, 1936, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of $2.

M. L. WILSON, *Acting Secretary of Agriculture.*

26385. Misbranding of linseed meal. U. S. v. Bisbee Linseed Co., a corporation. Plea of nolo contendere. Fine, $50 and costs. (F. & D. no. 37792. Sample no. 10157-B.)

This case involved linseed meal that contained less crude protein than indicated on the label.

On September 9, 1936, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Bisbee Linseed Co., a corporation trading at Philadelphia, Pa., alleging that on or about January 15, 1936, the defendant had shipped from the State of Pennsylvania into the State of Texas a quantity of linseed meal which was misbranded in violation of the Food and Drugs Act. The article was labeled in part: (Tag) "Bisbee Brand 34% Protein Linseed Meal Manufactured By Bisbee Linseed Company."

The article was alleged to be misbranded in that the statement "Crude Protein not less than 34 per cent", borne on the tag, was false and misleading in that it represented that the article contained not less than 34 per cent of crude protein; whereas the article contained less than 34 percent, namely, not more than 31.59 percent of crude protein; and in that it was labeled, as aforesaid, so as to deceive and mislead the purchaser into the belief that it contained not less than 34 percent of crude protein, whereas it contained less than 34 percent of crude protein.

On October 1, 1936, a plea of nolo contendere was entered on behalf of the defendant and the court imposed a fine of $50 and costs.

M. L. WILSON, *Acting Secretary of Agriculture.*

26386. Adulteration of canned salmon. U. S. v. Seufert Bros. Co. Plea of guilty. Fine, $200. (F. & D. no. 38013. Sample nos. 73238-B, 73239-B, 73263-B.)

This case involved canned salmon that was in part decomposed.

On October 19, 1936, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Seufert Bros. Co., a corporation, The Dalles, Oreg., alleging that on or about January 10, 1936, the defendant had shipped from the State of Oregon into the State of Idaho a quantity of canned salmon which was adulterated in violation of the Food and Drugs Act. A portion of the article was labeled: "Celilo Brand Columbia River Salmon, * * * Packed by Seufert Bros. Co. The Dalles, Oregon." The remainder was labeled: "Merrimac Brand, * * * Packed at Seuferts, Wasco Co., Oregon, U. S. A. by Seufert Bros. Packing Co."

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

On October 28, 1936, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of $200.

M. L. WILSON, *Acting Secretary of Agriculture.*