

ordered that the product be released under bond, conditioned that it should not be sold or otherwise disposed of in violation of the law.

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

**26860. Adulteration of canned salmon. U. S. v. 800 Cases of Canned Salmon (and other libel proceedings). Consent decrees of condemnation. Product released under bond.** (F. & D. nos. 38479, 38559, 38727, 38934. Sample nos. 23683-C, 29228-C, 29612-C, 29621-C, 29636-C, 32402-C, 32421-C.)

These cases involved canned salmon that was in part decomposed.

On October 31, November 17, December 1, 1936, and January 11, 1937, the United States attorney for the Western District of Washington, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 2,729 cases of canned salmon at Seattle, Wash., alleging that the article had been shipped in interstate commerce between the dates of August 23 and September 28, 1936; that portions of the article had been shipped by the North Pacific Sea Foods Co. from Dayville, Alaska; that the remainder had been packed by the North Pacific Sea Foods Co., and had been shipped by A. S. Day from Dayville, Alaska; and that it was adulterated 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 January 12 and January 18, 1937, the North Pacific Sea Foods Co. having appeared as claimant, and the court having found that a portion of the article was adulterated, judgments of condemnation were entered and it was ordered that the product be released under bond conditioned that it should not be disposed of in violation of the Federal Food and Drugs Act and all other laws.

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

**26861. Adulteration and misbranding of canned tomatoes. U. S. v. 300 Cases of Canned Tomatoes. Decree of condemnation. Product released under bond to be relabeled.** (F. & D. no. 38520. Sample no. 16518-C.)

This product was adulterated with added water. It also was misbranded since it did not consist of whole pieces, was not normally colored, and was not labeled to indicate that it was substandard.

On November 6, 1936, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 300 cases of canned tomatoes at Baltimore, Md., alleging that the article had been shipped in interstate commerce on or about October 23, 1936, by Lord-Mott Co., from Bowler's Wharf, Va., and charging adulteration and misbranding in violation of the Food and Drugs Act.

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 had been substituted in part for tomatoes, which it purported to be.

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 added water, it did not consist of whole pieces, it was not normally colored, 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 January 7, 1937, judgment of condemnation was entered and it was ordered that the product be released to the claimant under bond conditioned that it be relabeled under the supervision of this Department.

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

**26862. Adulteration of apples. U. S. v. 26 Bushels of Apples. Default decree of condemnation and destruction.** (F. & D. no. 38539. Sample no. 15035-C.)

This case involved apples that were contaminated with arsenic and lead.

On or about October 1, 1936, the United States attorney for the Southern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 26 bushels of apples at Indianapolis, Ind., alleging that the article had been shipped in interstate commerce on or about September 27, 1936, by Abe Epstein from Benton Harbor, Mich., and charging adulteration in violation of the Food and Drugs Act.