

It was alleged to be adulterated in that it consisted in whole and in part of a decomposed animal substance.

On October 30, 1937, a plea of guilty was entered in behalf of the defendant, and it was sentenced to pay a fine of \$10 and costs.

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

**28059. Adulteration of canned salmon. U. S. v. Premier Salmon Co. Plea of guilty. Fine, \$100 and costs.** (F. & D. No. 39465. Sample Nos. 22055-C, 22102-C, 22103-C, 22116-C.)

This product was in part decomposed.

On June 14, 1937, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Premier Salmon Co., a corporation, Seattle, Wash., alleging shipment by the defendant on or about August 11, 1936, from the Territory of Alaska into the State of Washington of a quantity of canned salmon which was adulterated in violation of the Food and Drugs Act.

It was alleged to be adulterated in that it consisted in whole and in part of a decomposed animal substance.

On November 20, 1937, a plea of guilty was entered on behalf of the defendant, and it was sentenced to pay a fine of \$100 and costs.

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

**28060. Adulteration of canned salmon. U. S. v. Al Jones (Kustatan Packing Co.). Plea of guilty. Fine, \$200, payment of which was suspended.** (F. & D. No. 39463. Sample Nos. 11038-C, 11039-C, 11045-C, 11047-C, 11391-C, 11392-C, 11393-C.)

This product was in part decomposed.

On June 14, 1937, the United States attorney for the third division of the District of Alaska, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Al Jones, trading as the Kustatan Packing Co., at Anchorage, Alaska, alleging shipment by the defendant on or about July 21, 24, 26, 27, and 29, and August 2, 1936, from the Territory of Alaska into the State of Washington of quantities of canned salmon which was adulterated in violation of the Food and Drugs Act.

It was alleged to be adulterated in that it consisted in whole and in part of a decomposed animal substance.

On January 7, 1938, a plea of guilty was entered by the defendant, and he was sentenced to pay a fine of \$200, which was suspended.

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

**28061. Adulteration and misbranding of fruit flavors. U. S. v. 24 Cases of Tru-Fruit Swans Down Ade (and two other seizure actions). Default decrees of condemnation and destruction.** (F. & D. Nos. 40167, 40268, 40269. Sample Nos. 46584-C, 46585-C, 46586-C, 46597-C, 46598-C, 46708-C, 46709-C, 46711-C to 46714-C, incl.)

These products were labeled to indicate that they were fruitade bases, whereas portions consisted of artificially colored mixtures of water, sugar, and acid, containing artificial flavor or citrus-oil flavor and little or no fruit juice; and the remainder consisted of sirupy liquids containing acid, water, artificial color, and artificial flavor. The quantity of the contents of the former was declared in terms of weight instead of volume.

On August 27 and September 13, 1937, the United States attorneys for the Western District of New York and the Northern District of Ohio, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of 24 cases of Swans Down Ade at Rochester, N. Y., and 57 cartons of Thirst Ade at Youngstown, Ohio, alleging that the articles had been shipped in interstate commerce on or about April 13 and June 7 and 11, 1937, by the R. C. McAteer Co. from Pittsburgh, Pa., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. A portion was labeled: (Bottles) "Tru-Fruit Swans Down Ade \* \* \* Net Wgt. 1½ Oz. R. C. McAteer Co., Pittsburgh, Pa." The remainder was labeled: "Thirst Ade \* \* \* Household Specialty Co. Pittsburgh, Pa."

The articles were alleged to be adulterated in that they were mixed and colored in a manner whereby inferiority was concealed.

The Swans Down Ades were alleged to be misbranded in that the following statements on the bottle labels were false and misleading and tended to deceive

and mislead the purchaser when applied to articles that were mixtures of water, sugar, acid, artificial color and artificial flavor or citrus-oil flavor, containing little or no fruit juice, "Tru-Fruit \* \* \* Ade Cherry [or "Raspberry," "Lemon," "Orange," "Lemon-Lime," or "Grape"]"; in that they were imitations of and were offered for sale under the distinctive names of other articles, namely, cherry, raspberry, lemon, orange, lemon-lime, or grape True-Fruit Ades and in that they were food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package since it was declared in terms of weight instead of volume. The Thirst Ades were alleged to be misbranded in that the following statements and device in the labeling were false and misleading and tended to deceive and mislead the purchaser when applied to sweet sirupy liquids containing acid, water, artificial color, and artificial flavor, (bottles) "Ade Raspberry [or "Cherry" or "Grape"] True-Fruit Flavor \* \* \* Ade Punch \* \* \* Tru-Fruit Ade," (display card with portion) "Ade \* \* \* Grape Cherry \* \* \* Raspberry," (display card with remainder) "Ade \* \* \* Grape Cherry \* \* \* Raspberry \* \* \* True Fruit," and a vignette of fruit which included representations of cherries and raspberries; and in that they were imitations of and were offered for sale under the distinctive names of other articles, namely, raspberry, cherry, or grape true fruit flavors.

On October 15 and October 28, 1937, no claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

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

**28062. Adulteration and misbranding of honey. U. S. v. 59 Tins and 174 Jars of Honey. Default decree of condemnation and sale. (F. & D. Nos. 40214, 40262. Sample Nos. 43615-C, 43616-C, 44149-C.)**

This product was represented to be honey but consisted of a mixture of glucose and honey. It was also short of the declared weight.

On August 30 and September 11, 1937, the United States attorney for the Northern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the district court two libels praying seizure and condemnation of 59 tins and 174 jars of honey at Atlanta, Ga., alleging that the article was shipped in interstate commerce on or about May 13, July 30, and August 7, 1937, from Chattanooga, Tenn., by G. W. Bagwell, and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Honey Packed by G. W. Bagwell Chattanooga, Tenn. \* \* \* Net Wt. 16 Ozs." [or "4½ Lbs." or "2 Lbs."].

It was alleged to be adulterated in that a mixture of glucose and honey had been substituted for honey, which it purported to be, and in that it was mixed in a manner whereby inferiority was concealed.

Misbranding was alleged in that the statements, "Honey," "Net Wt. 4½ Lbs.," "Net Wt. 2 Lbs.," and "Net Wt. 16 Oz.," as they appeared, were false and misleading and tended to deceive and mislead the purchaser when applied to an article that was a mixture of glucose and honey and that was short weight; in that the article was an imitation of and was offered for sale under the distinctive name of another article, namely, honey; and in that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the quantity stated was not correct.

On October 2 and 9, 1937, no claimant having appeared, judgments of condemnation were entered and it was ordered that the labels be stripped and the product sold. On December 7, 1937, its sale for distribution through charitable channels was confirmed by the court.

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

**28063. Misbranding of peanut butter. U. S. v. 37 Cases of Peanut Butter. Default decree of condemnation. Product delivered to a charitable institution. (F. & D. No. 40224. Sample No. 31607-C.)**

This product was short weight.

On August 31, 1937, the United States attorney for the Western District of Kentucky, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 37 cases of peanut butter at Louisville, Ky., alleging shipment in interstate commerce on or about June 29, 1937, from New Brockton, Ala., by Southland Peanut Products Co., and charging misbranding in violation of the Food and Drugs Act