

On October 10, 1936, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the district court 14 libels, praying seizure and condemnation of a total of 335 cases of canned salmon at Tampa, Fla., alleging that the article had been shipped in interstate commerce on or about August 8, 1936, from Seattle, Wash., by G. P. Halferty & Co., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Show Boat Brand Fancy Alaska Pink Salmon * * * Halferty Corporation Seattle."

On November 7, 1936, an order was entered consolidating the 14 libels. On November 7, 1936, G. P. Halferty & Co., claimant, filed exceptions to the libel, which were argued on December 11, 1936, and sustained, the Government being allowed 15 days to file an amended libel. On December 17, 1936, the United States attorney filed an amended libel.

The amended libel alleged that the article was misbranded in that the statement borne on the label, "Fancy Alaska Pink Salmon," was false and misleading and tended to deceive and mislead the purchaser thereof, since the said statement indicated and meant that the cans contained salmon of a superior quality; whereas the salmon contained therein was of a decidedly inferior quality.

On May 5, 1938, the claimant having withdrawn its exceptions to the amended libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be relabeled.

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

28948. Adulteration of candy. U. S. v. 24 Boxes of Nutty Fruit-Rolls (and 2 similar seizure actions). Default decrees of condemnation and destruction. (F. & D. Nos. 41866, 41969, 41970. Sample Nos. 10501-D, 11919-D, 12338-D, 12339-D.)

This product contained rodent hairs and insect fragments.

On March 7 and 16, 1938, the United States attorney for the Eastern District of New York, acting upon reports by the Secretary of Agriculture, filed in the district court three libels praying seizure and condemnation of 36 boxes of Nutty Fruit-Rolls at Brooklyn, N. Y., alleging that the article had been shipped in interstate commerce on or about March 2 and 8, 1938, from Newark, N. J., by the March Candy Co.; from New Haven, Conn., by D. Amato Bros.; and from Trenton, N. J., by N. Leventhal, and charging adulteration in violation of the Food and Drugs Act. The product consisted of goods returned to the Bonomo Candy & Nut Corporation by the said shippers. It was labeled in part: "Bonomo's Quality Item * * * Nutty Fruit-Rolls Bonomo Candy & Nut Corp. Brooklyn, N. Y."

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

On April 22, 1938, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

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

28949. Adulteration of ketchup. U. S. v. 739 Cases of Ketchup (and 1 other seizure action against the same product). Consent decrees of condemnation; product ordered destroyed; containers salvaged. (F. & D. Nos. 42104, 42152. Sample Nos. 14136-D, 14158-D to 14160-D, incl.)

This product contained excessive mold.

On April 1 and April 8, 1938, the United States attorney for the District of Massachusetts, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 910 cases and 24 bottles of ketchup in part at Somerville, and in part at Worcester, Mass., alleging that the article had been shipped in interstate commerce on or about February 9 and March 15, 1938, by Curtice Bros. Co., from Rochester, N. Y., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Blue Label Ketchup * * * Curtice Brothers Co. Rochester, N. Y."

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

On April 15 and 27, 1938, Curtice Bros. Co., claimant, having admitted the allegations of the libels, judgments of condemnation were entered and it was ordered that the product be destroyed, but that the cases and bottles might be salvaged.

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