

On November 18, 1938, Producers Canning Co., having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be relabeled or repacked under the supervision of this Department.

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

29743. Adulteration of canned salmon. U. S. v. 47 Cases of Canned Salmon (and two similar seizure actions). Consent decree of condemnation. Product released under bond. (F. & D. Nos. 43309, 43476, 43781. Sample Nos. 40226-D, 40259-D, 40260-D, 40289-D, 40367-D, 40403-D, 40418-D.)

This product was decomposed in part.

On August 15 and 26, and September 8, 1938, 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 556 cases of unlabeled canned salmon at Seattle, Wash.; alleging that the article had been shipped in interstate commerce on or about July 16 and 28, and August 11, 1938, by North Pacific Sea Foods, in part from Dayville, Alaska, and in part from Valdez, Alaska; and charging adulteration 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 filthy, decomposed, or putrid animal substance.

On September 16, 1938, the cases having been consolidated and the North Pacific Sea Foods Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered, and the product was ordered released under bond conditioned that it should not be sold or disposed of contrary to the provisions of the Food and Drugs Act.

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

29744. Adulteration of butter. U. S. v. Concordia Creamery Co. Plea of nolo contendere. Fine, \$25. (F. & D. No. 42562. Sample No. 4481-D.)

This product was deficient in milk fat.

On September 21, 1938, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Concordia Creamery Co., a corporation, Concordia, Mo., alleging shipment by said company on or about February 21 and February 24, 1938, from the State of Missouri into the State of Kansas, thence into the State of Nebraska, of a quantity of butter which was adulterated in violation of the Food and Drugs Act. The article was labeled in part: "Concordia's Best Creamery Butter."

It was alleged to be adulterated in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent by weight of milk fat, as prescribed by act of March 4, 1923.

On October 14, 1938, a plea of nolo contendere was entered on behalf of the defendant and the court imposed a fine of \$25.

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

29745. Misbranding of canned salmon. U. S. v. 398 Cans of Salmon. Default decree of condemnation. Product ordered delivered to a public institution. (F. & D. No. 42995. Sample No. 23561-D.)

This product was represented to be cutlet salmon of selected quality. Examination showed that it consisted in part of chum salmon and in part of pink salmon, was only of average quality, and was not in cutlet form. Moreover, the label failed to bear a statement of the quantity of contents.

On June 29, 1938, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 398 cans of salmon at Tacoma [Kelso], Wash.; alleging that the article had been shipped in interstate commerce on or about March 29, 1938, by G. Y. Harry & Co. from Portland, Oreg. (the product was packed by Columbia River Packers Association, Nushagak, Alaska); and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Exhibition Brand Salmon Cutlet."

It was alleged to be misbranded in that the statement "Salmon Cutlet * * * This Salmon is specially Selected" and the design of a select cutlet of salmon, borne on the label, were false and misleading and tended to deceive and mislead the purchaser when applied to an article that was