

on or about July 18, 1928, and transported from the State of Massachusetts into the State of Maine, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Cases) "Red Rambler Brand Red Salmon;" (cans) "Red Rambler Brand Salmon * * * Red Rambler Brand Red Salmon Packed for Whitney-Ellsworth Co., Seattle, U. S. A."

It was alleged in the libel that the article was adulterated in that salmon of a different variety than red salmon, and of a lower quality than red salmon, had been mixed and packed with and substituted wholly for red salmon which the said article purported to be.

Misbranding was alleged for the reason that the designations "Red Rambler" and "Red Rambler Brand Red Salmon" were false and misleading and deceived and misled the purchaser, since the article was not red salmon but was salmon of a different variety and of a lower quality than red salmon.

On October 31, 1928, Franklin H. Palmer (Inc.), Boston, Mass., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$6,000, or the deposit of collateral in like amount, conditioned in part that the said product be reconditioned under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16139. Adulteration of canned cherries. U. S. v. 70 Cases, et al., of Canned Cherries. Consent decrees entered ordering product released under bond to be reconditioned. (F. & D. Nos. 23103, 23104. I. S. Nos. 01682, 01685. S. Nos. 1189, 1190.)

On September 21, 1928, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 145 cases of canned cherries at Akron, Ohio, alleging that the article had been shipped by the Fredonia Salsina Canning Co. (Inc.), Fredonia, N. Y., on or about July 31, 1928, and transported from the State of New York into the State of Ohio, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Skylark Brand Red Sour Pitted Cherries * * * Packed by Fredonia Salsina Canning Co., Inc. Fredonia, N. Y."

It was alleged in the libels that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On November 16, 1928, the Fredonia Salsina Canning Co., Fredonia, N. Y., claimant, having admitted the allegations of the libels and having consented that orders be entered in conformance with the prayer thereof, judgments were entered ordering that the product be released to the said claimant upon payment of costs and the execution of bonds totaling \$1,000, conditioned in part that the product should not be disposed of in violation of the law, and it was further ordered by the court that the said product be reconditioned under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16140. Adulteration of canned corn. U. S. v. 206 Cans of Canned Corn. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23113. I. S. No. 013826. S. No. 1205.)

On September 28, 1928, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 206 cans of canned corn, remaining in the original unbroken packages at Akron, Ohio, alleging that the article has been shipped from the Morgan Packing Co., Columbus, Ind., on or about August 24, 1928, and transported from the State of Indiana into the State of Ohio, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Betsy Ross Brand Country Gentleman Corn."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On November 15, 1928, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*