

branding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Hudson Brand HTC Pure Black Pepper * * * $\frac{5}{8}$ Oz. Net Weight. [or "2 Oz. Net Weight"]."

It was alleged in the libel that the article was misbranded in that the statements on the label, " $\frac{5}{8}$ Oz. Net Weight", or "2 Oz. Net Weight", were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article 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 1, 1932, 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.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20300. Adulteration of caraway seed. U.S. v. 1 Bag of Caraway Seed. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 28470. Sample no. 8865-A.)

This action involved a quantity of imported caraway seed which was found to contain insect and animal excreta and dead insects.

On or about July 16, 1932, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of one bag of caraway seed, remaining in the original unbroken package at Buffalo, N.Y., which had been imported by the Levy & Levis Co., Inc., from The Netherlands, and shipped by the importer from New York, N.Y., to Buffalo, N.Y. It was alleged in the libel that the article had been entered at the port of New York on or about April 1, 1932, that it had been shipped from New York, on or about April 28, 1932, and that it was adulterated in violation of the Food and Drugs Act. The article was labeled: "Eatrite Brand L. L. C. Holland."

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

On October 10, 1932, 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.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20301. Adulteration of canned salmon. U.S. v. 2,728 Cases, et al., of Canned Salmon. Consent decree of condemnation and forfeiture. Product released under bond for separation and destruction of unfit portion. (F. & D. nos. 28781, 28791, 28821, 28855, 28993, 28996, 29000, 29048. Sample nos. 14982-A, 14993-A, 14994-A, 14995-A, 14996-A, 15256-A, 15258-A, 15262-A, 15274-A, 15284-A, 25566-A, 25576-A, 25578-A, 25581-A, 25585-A, 25586-A, 25587-A, 25610-A, 25612-A, 25617-A, 25618-A.)

These actions involved various shipments of canned salmon which was found to be in part decomposed.

On August 24, August 29, September 6, October 5, October 6, October 7, and October 14, 1932, the United States attorney for the Western District of Washington, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 7,344 $\frac{1}{2}$ cases of canned salmon, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped in interstate commerce between the dates of July 5, 1932, and September 6, 1932, by the Superior Packing Co., from Tenakee, Alaska, to Seattle, Wash., and charging adulteration in violation of the Food and Drugs Act. On October 13, 1932, the libel filed on October 5, 1932, which had been erroneously drawn to cover 28 cases, was amended to include the correct amount recommended for seizure, namely 2,080 cases, the total amount covered by the eight libels after the said amendment being 9,396 $\frac{1}{2}$ cases. A portion of the article was labeled in part: (Case) "Eat More Salmon * * * Alaska Brand Salmon." A portion was labeled: (Can) "Hypatia Brand Pink Salmon * * * Oceanic Sales Co., Seattle * * * Distributors." A portion was labeled: (Can) "Edola Brand Pink Salmon * * * Oceanic Sales Co. Distributors, Seattle, Chicago." The remainder of the said article was unlabeled.

It was alleged in the libels that the article was adulterated in that it consisted in part of a decomposed animal substance.

The Superior Packing Co. entered an appearance as claimant, consented to the entry of a decree, and admitted the material allegations of the libels. On

November 8, 1932, the eight libels having been consolidated into one cause of action, judgment of condemnation and forfeiture was entered. The court, having found that a portion of the cans might contain salmon which was wholesome and fit for human consumption, ordered that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$5,000, conditioned that the product should not be sold or disposed of contrary to the provisions of the Federal Food and Drugs Act and all other laws, and further conditioned that the claimant separate the cans containing good salmon from cans which contained decomposed salmon, and that the decomposed portion be destroyed in the process of separation.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20302. Adulteration and misbranding of rye flour. U.S. v. 93 Sacks of Rye Flour, et al. Consent decrees of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. nos. 28940, 28942. Sample nos. 10890-A, 10892-A.)

These actions involved the interstate shipment of quantities of a product sold as rye flour, which was found to be an artificially bleached rye flour, containing benzoyl peroxide or its residue, benzoic acid.

On September 22 and September 23, 1932, the United States attorney for the Southern District of New York, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 436 sacks of rye flour at New York, N.Y., alleging that the article had been shipped in interstate commerce, by the Wisconsin Milling Co., from Menomonie, Wis., in part on or about August 19, 1932, and in part on or about September 2, 1932, and had been transported from the State of Wisconsin into the State of New York, and charging adulteration and misbranding in violation of the Food and Drugs Act. A portion of the article was labeled: (Sack) "Rye Flour * * * Pride of Wisconsin, High Grade, Guaranteed Pure Patent White Rye, Wisconsin Milling Co., Menomonie, Wis." The remainder was labeled: (Sack) "Riverdale White Patent Rye Flour Golden Grain Products Co., New York, N.Y., Distributors."

Adulteration was alleged in the libel filed with respect to a portion of the article for the reason that artificially bleached rye flour had been substituted for white rye flour. Adulteration was alleged with respect to the remainder of the article for the reason that artificially bleached rye flour containing benzoyl peroxide or its residue, benzoic acid, had been substituted for rye flour.

Misbranding was alleged with respect to both lots of the product for the reason that the statements on the sacks, "Pure Patent White Rye" and "White Patent Rye Flour", were false and misleading and deceived and misled the purchaser, when applied to an artificially bleached flour. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article.

David Coleman, New York, N.Y., interposed a claim for the property as agent for the Wisconsin Milling Co., Menomonie, Wis., admitted the allegations of the libels, and consented to the entry of decrees. On October 6, 1932, judgments of condemnation and forfeiture were 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 bonds in the total sum of \$1,300, conditioned in part that it be relabeled, under the supervision of this Department, by stenciling the words "Bleached with Benzoyl Peroxide" on the sacks.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20303. Misbranding of canned tomatoes. U.S. v. 60 Cases of Canned Tomatoes. Decree of condemnation. Product released under bond to be relabeled. (F. & D. nos. 28612, 28613. Sample no. 7181-A.)

This action involved the shipment of a quantity of canned tomatoes which contained excessive peel and which were not labeled to indicate that they were substandard. It was represented on the label that the article was packed in Miami, Fla., whereas it was packed in Crystal Springs, Miss.

On August 9, 1932, the United States attorney for the Western District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 60 cases of canned tomatoes at Lafayette, La. It was alleged in the libel that the article had been shipped in interstate commerce on or about July 20, 1932, by Uddo-Taormina Corporation, from Crystal Springs, Miss., to Plaquemine, La., that it had been re-consigned to Lafayette,