

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 \$2,250, conditioned that it should not be sold or disposed of contrary to the provisions of the Food and Drugs Act, and all other laws, and that it be brought into compliance with the law under the supervision of this Department.

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

20408. Adulteration of fresh bluefins. U. S. v. 2 Boxes of Fresh Fish. Decree of destruction. (F. & D. no. 29133. Sample no. 27167-A.)

This action involved the interstate shipment of a quantity of fish, which upon examination, was found to be unfit for food.

On October 19, 1932, the United States attorney for the Southern District of Ohio, 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 two boxes of fresh fish, remaining in the original packages at Cincinnati, Ohio, alleging that the article had been shipped in interstate commerce, on or about October 17, 1932, by Sam Johnson & Son's Fisheries, Inc., from Duluth, Minn., to Cincinnati, Ohio, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Fr. Dr. Bluefins."

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy, decomposed, or putrid animal substance, and that it was a portion of an animal unfit for food.

On October 20, 1932, the court having found that the product was spoiled and unfit for human consumption, judgment was entered ordering that it be destroyed by the United States marshal.

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

20409. Misbranding of canned cherries. U. S. v. 51 Cases of Checker Brand Canned Cherries. Decree of condemnation. Product released under bond for relabeling. (F. & D. no. 29125. Sample no. 18377-A.)

This action involved the interstate shipment of a quantity of canned cherries, sample cans of which were found to contain less than the declared weight.

On October 28, 1932, the United States attorney for the Eastern District of Texas, 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 51 cases of canned cherries, remaining in the original unbroken packages at Sherman, Tex., alleging that the article had been shipped in interstate commerce on or about August 8, 1932, by the Webster Canning & Preserving Co., from Webster, N.Y., to Dallas, Tex., and reshipped on or about August 20, 1932, from Dallas to Sherman, Tex., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Cans) "Checker Brand Water Pack Sour Pitted Red Cherries Contents 1 lb. 5 oz. Packed by Webster Canning and Preserving Co., Webster, N.Y."

It was alleged in the libel that the article was misbranded in that the statement "Contents 1 lb. 5 oz." was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the product 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 statement made was incorrect.

On November 28, 1932, the Everheart Grocery Co., Sherman, Tex., having appeared as claimant for the property, judgment of condemnation 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 \$200, conditioned that it be relabeled with the exact and correct weight and the further condition that it should not be sold or disposed of contrary to the Federal Food and Drugs Act and all other laws.

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

20410. Adulteration of canned salmon. U. S. v. 70 Cases, et al., of Canned Salmon. Consent decrees of condemnation and forfeiture. Product released under bond. Decomposed portion ordered destroyed or denatured. (F. & D. nos. 29119, 29120. Sample nos. 8040-A, 8041-A, 20612-A.)

These actions involved the interstate shipment of quantities of canned salmon, samples of which were found to be decomposed.