

New England Fish Co., from Seattle, Wash., to Syracuse, N. Y., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Cans) "Old Salt Brand Choice Alaska Pink Salmon Nefco Fishery Product."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of decomposed animal matter.

On November 11, 1932, the Standard Packing Co., Seattle, Wash., 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 \$1,500, conditioned that it should not be sold or otherwise disposed of in violation of the Federal Food and Drugs Act, and all other laws. On January 4, 1933, a supplemental decree was entered modifying the decree to permit release of 207 cases identified by certain codes, which were found to be fit for human consumption; ordering the immediate destruction of 24½ cases; and authorizing shipment of the remainder to Seattle, Wash., there to be brought into conformity with the law under the supervision of this Department.

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

20475. Adulteration of canned salmon. U. S. v. 209 Cases, et al., of Canned Salmon. Decree of condemnation and forfeiture. Product released under bond. (F. & D. nos. 29166 to 29173, incl. Sample no. 16735-A.)

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

On or about November 4, 1932, the United States attorney for the Southern District of Georgia, 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 524 cases of canned salmon, remaining in the original unbroken packages at Waycross, Ga., alleging that the article had been shipped on or about September 7, 1932, by McGovern & McGovern, from Seattle, Wash., to Waycross, Ga., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Cans) "McGovern's Best Brand Alaska Pink Salmon * * * Distributed by McGovern & McGovern, Seattle, U.S.A."

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

The Standard Packing Co., a corporation, organized under the laws of the State of Washington, appeared and filed a claim and answer admitting the material allegations of the libels. On November 18, 1932, the cases were consolidated into one cause of action and judgment was entered condemning and forfeiting the property. The claimant having represented that no facilities were available locally for bringing the product into compliance with the law, the decree provided that it might be released for shipment to Seattle, Wash., upon payment of costs and the execution of a bond in the sum of \$1,000 conditioned that it should not be disposed of contrary to the provisions of the Federal Food and Drugs Act, and that it be brought into conformity with the law under the supervision of this Department.

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

20476. Adulteration of butter. U. S. v. Farmers Cooperative Butter & Cheese Association. Plea of guilty. Fine, \$25. (F. & D. no. 28122. I. S. no. 4645.)

This action involved the interstate shipment of a quantity of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard prescribed by Congress.

On November 1, 1932, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against the Farmers Cooperative Butter & Cheese Association, a corporation, Zumbrota, Minn., alleging shipment by said company, in violation of the Food and Drugs Act, on or about May 22, 1931, from the State of Minnesota into the State of Illinois, of a quantity of butter that was adulterated.

It was alleged in the information that the article was adulterated in that a product deficient in milk fat, in that it contained less than 80 percent by

weight of milk fat, had been substituted for butter, a product which must contain not less than 80 percent by weight of milk fat as required by the act of March 4, 1923.

On November 1, 1932, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25.

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

20477. Adulteration and misbranding of preserves, and misbranding of jams and jelly. U. S. v. Pacific Food Products Co. Plea of guilty. Fine, \$75 and costs. (F. & D. no. 28120. I. S. nos. 12752, 12758, 12760, 12761, 12762, 12763, 22234.)

This action was based on the interstate shipment of quantities of apricot, peach, and strawberry preserves which contained excessive water, due to insufficient evaporation; of a quantity of loganberry preserves made from fruit from which a substantial amount of the juice had been removed, and which also were short weight; of a quantity of apple pectin jelly which was short weight; and of quantities of pectin plum jam and pectin grape jam that bore illegible declarations of the quantity of the contents.

On December 8, 1932, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against the Pacific Food Products Co., a corporation, Seattle, Wash., alleging shipment by said company in violation of the Food and Drugs Act as amended, on or about June 22, 1931, from the State of Washington, in part into the State of Idaho and in part into the Territory of Alaska, of quantities of apricot, peach, loganberry, and strawberry preserves that were adulterated and misbranded, and of quantities of apple pectin jelly and plum and grape jam that were misbranded. All articles were labeled: "Sunny Jim Brand * * * Pacific Food Products Co. Seattle", and were designated variously "Apricot [or "Peach", "Loganberry", or "Strawberry"] Preserves"; "Pectin Apple Jelly"; "Pectin Plum [or "Grape"] Jam." The loganberry preserves were further labeled, "Contents 2 Lbs. 8 Oz." The apple pectin jelly was further labeled "Net Weight 4½ Lbs."

Adulteration of the apricot, peach, and strawberry preserves was alleged in the information for the reason that excessive water, which had been retained in the articles due to insufficient evaporation, had been mixed and packed with the said articles so as to lower and reduce and injuriously affect their quality and strength, and had been substituted for apricot, peach, and strawberry preserves, which the articles purported to be. Adulteration of the loganberry preserves was alleged for the reason that loganberries from which a substantial amount of the juice had been removed, had been mixed and packed with the article, and had been substituted in part for loganberry preserves, which the article purported to be.

Misbranding of the said apricot, peach, strawberry, and loganberry preserves was alleged for the reason that the statements, "Apricot Preserves", "Peach Preserves", "Loganberry Preserves", and "Strawberry Preserves", borne on the labels, were false and misleading, and for the further reason that the articles were labeled as aforesaid so as to deceive and mislead the purchaser, since the said statements represented that the articles consisted wholly of fruit preserves; whereas the apricot, peach, and strawberry preserves consisted in part of excessive water, and the loganberry preserves consisted of loganberries from which a substantial amount of the juice had been removed. Misbranding was alleged for the further reason that the statement "2 Lbs. 8 Oz.", borne on the jar label of the loganberry preserves, and the statement "Net Weight 4½ Lbs.", borne on the can label of the apple pectin jelly, were false and misleading, and for the further reason that the articles were labeled as aforesaid so as to deceive and mislead the purchaser, since the jars and cans contained less than declared. Misbranding of the pectin grape and plum jams was alleged for the reason that the articles were food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages, since the declaration was illegible.

On December 13, 1932, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$75 and costs.

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