

**20625. Adulteration of walnuts. U. S. v. 48 Bags and 133 Bags of Walnuts. Libel dismissed as to portion. Remainder condemned and released under bond. (F. & D. nos. 29331, 29534. Sample nos. 15725-A, 24012-A.)**

These actions involved the interstate shipment of quantities of walnuts that were found to be in part decomposed, wormy, and moldy.

On November 23, 1932, the United States attorney for the Eastern District of Missouri, 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 48 bags and 133 bags of walnuts, remaining in the original unbroken packages at St. Louis, Mo., alleging that the article had been shipped in interstate commerce on or about October 22, 1932, by the C. C. Collins Co., from Santa Ana, Calif., to St. Louis, Mo., and charging adulteration in violation of the Food and Drugs Act. The article was labeled: "Walnuts Packed by C. C. Collins Co., Santa Ana, Calif." A portion was further labeled "Calnut Brand."

It was alleged in the libels that the article was adulterated in that a portion consisted in part of a decomposed vegetable substance, and the remainder consisted in part of a filthy and decomposed vegetable substance.

On December 9, 1932, claimant having appeared and consented to the entry of a decree in the case involving 48 bags of the product, judgment of condemnation was entered and it was ordered by the court that the said 48 bags be released under bond for separation and destruction of the unfit nuts. The libel involving 133 bags of walnuts was ordered dismissed as to all but 19 bags. On January 11, 1933, the C. C. Collins Co., Santa Ana, Calif., having appeared as claimant for the 19 bags, the court ordered that they be condemned and released under bond for separation and destruction of the unfit nuts.

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

**20626. Adulteration of canned salmon. U. S. v. 98 Cases of Canned Salmon. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 28978. Sample no. 25018-A.)**

This action involved the shipment of a quantity of canned salmon, a large portion of which was tainted or stale.

On September 30, 1932, the United States attorney for the Northern District of California, 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 98 cases of canned salmon, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped on or about August 15, 1932, by the Bristol Bay Packing Co., from Kvichak, Alaska, to San Francisco, Calif., and charging adulteration in violation of the Food and Drugs Act.

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

On January 25, 1933, 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.*

**20627. Misbranding of black pepper. U. S. v. 110 Dozen Tins of Black Pepper. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 28877. Sample no. 6886-A.)**

Sample cans taken from the shipment of black pepper involved in this case were found to contain less than the declared weight.

On September 7, 1932, the United States attorney for the Eastern District of Missouri, 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 110 dozen tins of black pepper, remaining in the original and unbroken packages at St. Louis, Mo., alleging that the article had been shipped in interstate commerce on or about March 17, 1932, by the Hudson Tea & Spice Co., Inc., from Brooklyn, N. Y., to St. Louis, Mo., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Tin) "Hudson Brand Pure Black Pepper \* \* \* 1¼ Oz. Net Weight."

It was alleged in the libel that the article was misbranded in that the statement, "1¼ Oz. Net Weight", was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that