

district court a libel praying seizure and condemnation of 68 cases of tangerines at Milwaukee, Wis., alleging that the article had been shipped in interstate commerce, on or about December 29, 1933, by Charles Abbate Co., from Waverly, Fla., 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 whole or in part of a decomposed vegetable substance.

On March 13, 1934, 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.

M. L. WILSON, *Acting Secretary of Agriculture.*

22174. Adulteration of canned salmon. U. S. v. 99 Cases of Canned Salmon. Default decree of condemnation and forfeiture. Product delivered to fish hatcheries to be used as fish food. (F. & D. no. 29126. Sample no. 11120-A.)

This action involved the interstate shipment of quantities of canned salmon which was found to be in part decomposed.

On October 26, 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 a libel praying seizure and condemnation of 99 cases of canned salmon at Elmira, N.Y., alleging that the article had been shipped in interstate commerce on or about September 16, 1932, by C. F. Buelow Co., Inc., from Seattle, Wash., to Elmira, N.Y., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Spot Lite Brand Pink Salmon * * * C. F. Buelow Co. Incorporated, Seattle."

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

On March 1, 1934, the case having been called and all parties in interest having been declared in default, judgment of condemnation and forfeiture was entered. On March 9, 1934, an amended decree was entered authorizing the delivery of the product to the United States Bureau of Fisheries to be used as fish food.

M. L. WILSON, *Acting Secretary of Agriculture.*

22175. Misbranding of cocoa. U. S. v. E. & A. Opler, Inc. Plea of guilty. Fine, \$100. (F. & D. no. 29485. I. S. nos. 31192, 37391.)

This case was based on shipments of cocoa which, upon examination, was found to be short weight.

On October 11, 1933, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against E. & A. Opler, Inc., trading at Brooklyn, N.Y., alleging shipment by said company in violation of the Food and Drugs Act, on or about June 11 and June 29, 1931, from the State of New York into the State of Ohio, and on or about June 19, 1931, from the State of New York into the State of Maryland, of quantities of cocoa which was misbranded. The article was labeled in part: (Case): "12—2 Pound Perfected Packages"; (can) "Our Mother's Pure All Occasion Cocoa Net Weight Two Pounds E. & A. Opler, Inc. Chicago,—New York."

It was alleged in the information that the article was misbranded in that the statement, "12—2 Pound * * * Packages", borne on the case, and the statement, "Net Weight Two Pounds", borne on the can, were false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since the cans contained less than 2 pounds of the article. 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.

On November 6, 1933, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$100.

M. L. WILSON, *Acting Secretary of Agriculture.*

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