

that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$500, conditioned that it be relabeled under the supervision of this Department.

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

22844. Adulteration and misbranding of oats. U. S. v. 1 Carload of Alleged Oats. Consent decree of condemnation and forfeiture. Product released under bond to be cleaned. (F. & D. no. 32978. Sample no. 65729-A.)

This case involved a shipment of a product represented to be mill oats but which consisted of a mixture of oats and ergot.

On June 22, 1934, the United States attorney for the Northern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of one carload of alleged oats at Indiana Harbor, Ind., alleging that the article had been shipped in interstate commerce, on or about May 28, 1934, by the Butler Grain Co., from Green Bay, Wis., and charging adulteration and misbranding in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it contained an added deleterious ingredient, ergot, which might have rendered it injurious to health.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article.

On July 24, 1934, Harry J. Butler, trading as the Butler Grain Co., Minneapolis, Minn., 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 claimant upon payment of costs and the execution of a bond in the sum of \$1,500, conditioned that it be salvaged by cleaning under the supervision of this Department.

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

22845. Adulteration of butter. U. S. v. 2 Kegs and 2 Cans of Butter. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32983. Sample no. 62358-A.)

The case involved a shipment of butter that contained animal hairs, insects, mold, and other filth.

On June 12, 1934, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 2 kegs and 2 cans of butter at Baltimore, Md., alleging that the article had been shipped in interstate commerce, on or about June 7, 1934, by R. E. Bruce, from Campobello, S. C., 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 filthy, decomposed, or putrid animal substance.

On August 1, 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.*

22846. Misbranding of canned salmon. U. S. v. 421 Cases of Canned Salmon. Consent decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. no. 33001. Sample no. 64936-A.)

The labels of the product involved in this case were objectionable in that they bore unwarranted health and therapeutic claims, and in that by means of a garbled quotation from a Federal publication the false and misleading impression was conveyed that canned salmon contains more Vitamin D than does cod-liver oil. This particular lot of salmon would have a vitamin D content of approximately 14 percent of that of cod-liver oil.

On or about June 26, 1934, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 421 cases of canned salmon at Chicago, Ill., alleging that the article had been shipped in interstate commerce, on or about May 7, 1934, by the Pacific American Fisheries, from South Bellingham, Wash., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Deming's Vacuum Packed Pink Salmon."