

demnation and forfeiture was entered, and it was ordered that the product be released under bond, conditioned that it should not be disposed of in violation of the Food and Drugs Act.

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

23060. Misbranding of canned tuna. U. S. v. 108 Cases and 25 Cases of Canned Tuna. Decrees of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. nos. 33160, 33161. Sample no. 63231-A.)

These cases involved a product consisting of so-called scrap meat or tuna flakes which was labeled to convey the impression that it was solid-pack tuna.

On August 6, 1934, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 133 cases of canned tuna at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce from Wilmington, Calif., on or about June 26, 1934, and that it was misbranded in violation of the Food and Drugs Act. The shipment was made by the Halfhill Co., Ltd., Los Angeles. The article was labeled in part: "Better-Than-Chicken Brand Fancy White Tuna [picture showing contents of a can of solid-pack tuna] Packed in Japan * * * For Halfhill Packing Corporation, Inc. Long Beach, Calif. * * * Flakes", the word "Flakes" being inconspicuous.

The article was alleged to be misbranded in that the statement "Fancy White Tuna" and the picture of contents of a can of solid-pack tuna were false and misleading and tended to deceive and mislead the purchaser, and the impression given by the said statement and picture was not corrected by the inconspicuous word "Flakes."

On August 31, 1934, George Bornet, Philadelphia, Pa., having appeared as claimant, judgments of condemnation and forfeiture were entered, and it was ordered that the product be released under bond, conditioned that it be relabeled.

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

23061. Misbranding of apple jack brandy. U. S. v. 172 Bottles of Old Hunt Club Apple Jack Brandy. Decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. no. 33177. Sample no. 4675-A.)

This case involved a shipment of apple jack brandy that was short volume. The product was labeled, "90 proof", but was found to be 77.5 proof.

On August 8, 1934, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the District of Columbia, holding a district court, a libel praying seizure and condemnation of 172 bottles of apple jack brandy at Washington, D. C., alleging that the article had been shipped in interstate commerce, on or about June 7, 1934, by the Old Prescription Co., Inc., from Jersey City, N. J., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Old Hunt Club Apple Jack Brandy Net Contents One Pint Alcoholic Contents 90 Proof * * * Old Prescription Company, Inc. New York."

The article was alleged to be misbranded in that the statements on the bottle label, "Net Contents One Pint Alcoholic Contents 90 proof", were false and misleading and tended to deceive and mislead the purchaser; and for the further reason that it 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 August 11, 1934, the Old Prescription Co., having appeared as claimant, judgment of condemnation and forfeiture was entered, and it was ordered that the product be released under bond conditioned that it be relabeled in a manner approved by this Department.

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

23062. Misbranding of salad oil. U. S. v. 26 Cans of Salad Oil. Default decree of condemnation. Product delivered to charitable institutions. (F. & D. no. 33179. Sample no. 6599-B.)

This case involved a product consisting chiefly of domestic cottonseed oil, with olive oil odor and flavor, that was labeled to convey the impression that it was olive oil.

On or about August 10, 1934, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the