

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed animal substance.

On September 24, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

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

26325. Adulteration of canned salmon. U. S. v. 79 Cases of Canned Salmon. Consent decree of condemnation. Product released under bond. (F. & D. no. 37613. Sample no. 73209-B.)

This case involved canned salmon that was in part decomposed.

An April 20, 1936, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 79 cases of canned salmon at Ontario, Oreg., alleging that the article had been shipped in interstate commerce on or about August 27, 1935, by the Oceanic Sales Co., from Seattle, Wash., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Cases) "First Call Brand Alaska Pink Salmon. Packed by Deep Sea Salmon Co., Seattle."

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed animal substance.

On July 13, 1936, the Deep Sea Salmon Co., Seattle, Wash., claimant, having admitted the allegations in the libel and having consented to the entry of a decree, judgment of condemnation 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 law.

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

26326. Adulteration of canned peas. U. S. v. 102 Cases of Canned Garden Peas. Default decree of condemnation and destruction. (F. & D. no. 37622. Sample nos. 59145-B, 68657-B.)

This case involved canned peas that were partially decomposed.

On April 20, 1936, the United States attorney for the Western District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 102 cases of canned peas at Oklahoma City, Okla., alleging that the article had been shipped in interstate commerce on or about August 14, 1935, by the Smith Canning Co., from Clearfield, Utah, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Cabro Brand Garden Peas * * * Packed for Carroll-Brough-Robinson Oklahoma City, Enid, Okla."

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed vegetable substance.

On September 25, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

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

26327. Misbranding of canned apricots. U. S. v. 63 Cases of Canned Apricots. Consent decree of condemnation. Product released under bond to be relabeled. (F. & D. no. 37629. Sample no. 73211-B.)

This case involved apricots that fell below the standard established by this Department and which were not labeled to indicate that they were substandard.

On April 22, 1936, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 63 cases of canned apricots at Ontario, Oreg., alleging that the article had been shipped in interstate commerce on or about August 21, 1935, by the Idaho Canning Co., from Payette, Idaho, and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Cans) "Seven Devils Brand Unsweetened Apricots * * * Packed by Idaho Canning Co. Ltd. Payette, Idaho."

The article was alleged to be misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture for such canned food, in that the fruit was not normally colored because of the presence of some green pieces, and in that they were not uniform in size since the weight of the largest piece was more than 80 percent in excess of the weight of the smallest piece in the can, and its package or label did not bear a plain and conspicuous statement prescribed by the Secretary of Agriculture indicating that it fell below such standard.

On September 14, 1936, the Idaho Canning Co., having appeared as claimant and having consented to the entry of a decree, judgment of condemnation was

entered and it was ordered that the product be released under bond to be relabeled.

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

26328. Adulteration of tullibeas. U. S. v. 206 Boxes of Tullibeas. Default decree of condemnation and destruction. (F. & D. no. 37664. Sample no. 61036-B.)

This case involved tullibeas infested with worms.

On April 6, 1936, 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 a libel praying seizure and condemnation of 206 boxes of tullibeas at Brooklyn, N. Y., alleging that the article had been shipped from Canada into the State of New York, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Product of Canada."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy animal substance and in that it consisted of portions of animals unfit for food.

On September 18, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

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

26329. Adulteration of tullibeas. U. S. v. 280 Boxes, et al., of Tullibeas. Default decree of condemnation and destruction. (F. & D. nos. 37665, 37666, 37667, 37668. Sample nos. 61102-B to 61105-B, incl.)

These cases involved imported tullibeas that were infested with worms.

On April 14, 1936, the United States attorney for the District of New Jersey, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 325 boxes of tullibeas at Newark, N. J., alleging that the article had been shipped sometime in February and March 1936, from the Dominion of Canada—the city from which shipped, the shipper and the exact date of shipment being unknown—and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Product of Canada."

The article was alleged to be adulterated in that it consisted in part of a filthy animal substance and of portions of animals unfit for food.

On July 24, 1936, no claimant having appeared, judgments of condemnation were entered and it was ordered that the produce be destroyed.

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

26330. Misbranding of salad oil. U. S. v. 5 Cases of Table Oil. Default decree of condemnation. (F. & D. no. 37689. Sample no. 56512-B.)

This product consisted largely of cottonseed oil with a small amount of olive oil present and was labeled to create the impression that it was olive oil. It was also short in volume.

On April 27, 1936, the United States attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of five cases of table oil at Milwaukee, Wis., alleging that the article had been shipped in interstate commerce on or about January 22, 1936, by the Chicago Macaroni Co., from Chicago, Ill., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "One Gallon Italy Brand Table Oil. An excellent composition of fifteen percent imported olive oil and eighty-five percent of other vegetable oils Packed by A. Morici & G. Matalone Co., Chicago, Ill."

The article was alleged to be misbranded in that the brand name "Italy", the statement "Table Oil", and the designs of foreign medals on the labels, were false and misleading and tended to deceive and mislead the purchaser in that they implied that the product was olive oil; in that the statement on the label, "One Gallon", was false and misleading and tended to deceive and mislead the purchaser when applied to a product in cans containing less than 1 gallon; and in 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 June 19, 1936, no claimant having appeared, judgment of condemnation was entered ordering that the product be destroyed.

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