

Association, Inc., from Waynesville, N. C., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Cans) "Southern Skyland Brand * * * Standard Turnip Greens Packed By Members of the Land o' The Sky Mutual Association, Inc. Sales Office Waynesville, North Carolina."

It was alleged to be adulterated in that it consisted in whole or in part of a filthy vegetable substance.

On April 14, 1937, no claimant having appeared, judgment by default was entered and the product was ordered destroyed.

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

27195. Adulteration of tomato catsup. U. S. v. 75 Cases of Canned Tomato Catsup. Default decree of condemnation and destruction. (F. & D. no. 39221. Sample no. 21625-C.)

This case involved canned tomato catsup that contained filth resulting from worm infestation.

On March 16, 1937, the United States attorney for the Southern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 75 cases of canned tomato catsup at Houston, Tex., alleging that the article had been shipped in interstate commerce on or about October 15, 1936, from Wilmington, Calif., by Coast Fishing Co., Inc., and charging adulteration in violation of the Food and Drugs Act. It was labeled in part: "Topco Brand Tomato Catsup * * * Packed by Tomato Packing Corp., Harbor City, California."

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

On May 6, 1937, 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.*

27196. Adulteration of tomato catsup. U. S. v. 156 Cases, et al., of Tomato Catsup. Default decrees of condemnation and destruction. (F. & D. nos. 39030, 39139, 39186, 39230. Sample nos. 9940-C, 10324-C, 17932-C, 30396-C.)

These cases involved tomato catsup that contained filth resulting from worm infestation.

On February 1, 1937, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 156 cases of tomato catsup at Kansas City, Mo. On March 9 and 19, 1937, libels were filed against 50 cases of the product at New Orleans, La., 17 cases at Tuscon, Ariz., and 384 cases at New York, N. Y. The libels alleged that the article had been shipped in interstate commerce by Val Vita Food Products, Inc., in part on or about November 7, 1936, and January 27 and February 4, 1937, from Fullerton, Calif., and in part on or about February 15, 1937, from Terminal Island, Calif., and that it was adulterated in violation of the Food and Drugs Act. A portion of the article was labeled: "Val Vita Brand Tomato Catsup * * * Val Vita Food Products, Inc. * * * Fullerton California." The remainder was labeled: "Val Vita Brand Tomato Catsup * * * Orange County Cannery Inc."

It was alleged to be adulterated in that it consisted wholly or in part of a filthy vegetable substance.

On April 1, 14, and 23 and May 3, 1937, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

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

27197. Misbranding of canned cherries. U. S. v. 200 Cartons of Canned Pitted Cherries. Consent decree of condemnation. Product released under bond to be relabeled. (F. & D. no. 39240. Sample no. 36035-C.)

This product fell below the standard established by this Department for canned pitted cherries, because of the presence of an excessive number of pits; and it was not labeled to indicate that it was substandard.

On March 19, 1937, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 200 cartons of canned cherries at San Francisco, Calif., alleging that they had been shipped in interstate commerce on or about February 27, 1937, from Seattle, Wash., by Washington Packers, Inc., and charging misbranding in violation of the Food and

Drugs Act as amended. The article was labeled in part: "Distributed by Smith, Lynden & Co., San Francisco * * * Extra Value Water Packed Red Sour Pitted Cherries."

It 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, since more than 1 cherry pit per 10 ounces of net contents was present; 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 May 7, 1937, F. B. Smith, J. R. Lynden, and F. A. Smith, trading as Smith, Lynden & Co., having appeared as claimants and having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of this Department.

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

27198. Adulteration of canned salmon. U. S. v. 402 Cases of Canned Salmon. Consent decree of condemnation. Product released under bond conditioned that bad portion be destroyed and good portion relabeled. (F. & D. no. 39255. Sample nos. 13896-C, 13899-C, 21636-C.)

This case involved canned salmon that was in part decomposed.

On March 23, 1937, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 402 cases of canned salmon at New Orleans, La., alleging that the article had been shipped in interstate commerce on or about October 8, 1936, from Seattle, Wash., by Munro Gavin Co., and charging adulteration in violation of the Food and Drugs Act. It was labeled in part: "Vacuum Packed M. G. Brand Alaska Pink Salmon * * * Packed for Munro Gavin Co., Seattle."

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

On April 29, 1937, A. S. Day trading as North Pacific Sea Foods Co., Valdez, Alaska, having appeared as claimant and having admitted the allegations of the libel, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that the bad portion be destroyed and the good portion relabeled "Reprocessed."

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

27199. Adulteration of canned huckleberries. U. S. v. 18 Cases of Canned Huckleberries. Default decree of condemnation and destruction. (F. & D. no. 39246. Sample no. 32700-C.)

This product was worm-infested.

On March 20, 1937, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 18 cases of canned huckleberries at Long Beach, Calif., alleging that they had been shipped in interstate commerce on or about February 27, 1937, from Tacoma, Wash., by Fassett & Co., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Plaza Brand Huckleberries. Packed by Fassett & Company, Tacoma, Wash."

It was alleged to be adulterated in that it consisted wholly or in part of a filthy vegetable substance.

On April 14, 1937, 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.*

27200. Adulteration of canned salmon. U. S. v. 198 Cases of Salmon. Default decree of condemnation and destruction. (F. & D. no. 39256. Sample no. 16305-C.)

This product was in whole or in part decomposed.

On March 23, 1937, the United States attorney for the Northern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 198 cases of canned salmon at Fort McPherson, Ga., alleging that the article had been shipped in interstate commerce on or about March 2, 1937, by Schloss & Kahn Grocery Co., from Montgomery, Ala., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Cans) "Pennant Brand Alaska Red Sockeye Salmon Packed By Northwestern Fisheries Co. Seattle * * * Packed in Alaska."