

It was alleged to be adulterated in that it consisted in whole and in part of a decomposed animal substance.

On October 30, 1937, a plea of guilty was entered in behalf of the defendant, and it was sentenced to pay a fine of \$10 and costs.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

28059. Adulteration of canned salmon. U. S. v. Premier Salmon Co. Plea of guilty. Fine, \$100 and costs. (F. & D. No. 39465. Sample Nos. 22055-C, 22102-C, 22103-C, 22116-C.)

This product was in part decomposed.

On June 14, 1937, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Premier Salmon Co., a corporation, Seattle, Wash., alleging shipment by the defendant on or about August 11, 1936, from the Territory of Alaska into the State of Washington of a quantity of canned salmon which was adulterated in violation of the Food and Drugs Act.

It was alleged to be adulterated in that it consisted in whole and in part of a decomposed animal substance.

On November 20, 1937, a plea of guilty was entered on behalf of the defendant, and it was sentenced to pay a fine of \$100 and costs.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

28060. Adulteration of canned salmon. U. S. v. Al Jones (Kustatan Packing Co.). Plea of guilty. Fine, \$200, payment of which was suspended. (F. & D. No. 39463. Sample Nos. 11038-C, 11039-C, 11045-C, 11047-C, 11391-C, 11392-C, 11393-C.)

This product was in part decomposed.

On June 14, 1937, the United States attorney for the third division of the District of Alaska, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Al Jones, trading as the Kustatan Packing Co., at Anchorage, Alaska, alleging shipment by the defendant on or about July 21, 24, 26, 27, and 29, and August 2, 1936, from the Territory of Alaska into the State of Washington of quantities of canned salmon which was adulterated in violation of the Food and Drugs Act.

It was alleged to be adulterated in that it consisted in whole and in part of a decomposed animal substance.

On January 7, 1938, a plea of guilty was entered by the defendant, and he was sentenced to pay a fine of \$200, which was suspended.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

28061. Adulteration and misbranding of fruit flavors. U. S. v. 24 Cases of Tru-Fruit Swans Down Ade (and two other seizure actions). Default decrees of condemnation and destruction. (F. & D. Nos. 40167, 40268, 40269. Sample Nos. 46584-C, 46585-C, 46586-C, 46597-C, 46598-C, 46708-C, 46709-C, 46711-C to 46714-C, incl.)

These products were labeled to indicate that they were fruitade bases, whereas portions consisted of artificially colored mixtures of water, sugar, and acid, containing artificial flavor or citrus-oil flavor and little or no fruit juice; and the remainder consisted of sirupy liquids containing acid, water, artificial color, and artificial flavor. The quantity of the contents of the former was declared in terms of weight instead of volume.

On August 27 and September 13, 1937, the United States attorneys for the Western District of New York and the Northern District of Ohio, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of 24 cases of Swans Down Ade at Rochester, N. Y., and 57 cartons of Thirst Ade at Youngstown, Ohio, alleging that the articles had been shipped in interstate commerce on or about April 13 and June 7 and 11, 1937, by the R. C. McAteer Co. from Pittsburgh, Pa., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. A portion was labeled: (Bottles) "Tru-Fruit Swans Down Ade * * * Net Wgt. 1½ Oz. R. C. McAteer Co., Pittsburgh, Pa." The remainder was labeled: "Thirst Ade * * * Household Specialty Co. Pittsburgh, Pa."

The articles were alleged to be adulterated in that they were mixed and colored in a manner whereby inferiority was concealed.

The Swans Down Ades were alleged to be misbranded in that the following statements on the bottle labels were false and misleading and tended to deceive