

Portland, Ind., and in part on or about March 20 and April 1, 1937, from Sunman, Ind., by the Naas Corporation of Indiana, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Steuben Brand [or "Na-Co High Quality"] \* \* \* Tomato Catsup The Naas Corporation of Indiana, Portland, Ind. [or "Sunman, Ind.]."

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

On October 12, 1937, no claimant having appeared, judgments of condemnation were entered and the article was ordered destroyed.

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

**28117. Adulteration of canned beets. U. S. v. 466 Cases of Beets. Default decree of condemnation and destruction.** (F. & D. No. 39590. Sample No. 33877-C.)

This product was in part decomposed.

On May 12, 1937, 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 466 cases of canned beets at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about March 18, 1937, by the Clyman Canning Co. from Clyman, Wis., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Cherry Valley Sliced Beets Distributed by Jewel Tea Co. Inc. Barrington, Ill."

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

On October 15, 1937, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed, with the exception of one case from each of 8 codes, which were ordered retained for investigational purposes and placed in the custody of this Department.

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

**28118. Adulteration and misbranding of tomato puree. U. S. v. 41 Cases and 42 Cases of Tomato Puree. Decrees of condemnation. Product released under bond for relabeling.** (F. & D. Nos. 39506, 39507. Sample Nos. 34659-C, 34667-C.)

This product was deficient in tomato solids.

On or about April 28, 1937, the United States attorney for the Southern District of Mississippi, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 42 cases of tomato puree at Laurel, Miss., and 41 cases of tomato puree at Hattiesburg, Miss., alleging that the article had been shipped in interstate commerce on or about March 19, 1937, from New Orelans, La., by the Taormina Corporation, New Orleans, La., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Buffalo Brand Tomato Puree \* \* \* Puree di Pomodoro \* \* \* Packed by Taormina Corp. New Orleans, La., Donna, Texas."

It was alleged to be adulterated in that a substance deficient in tomato solids had been substituted for tomato puree, which it purported to be.

Misbranding was alleged in that the statements, "Tomato Puree" and "Puree di Pomodoro," were false and misleading and tended to deceive and mislead the purchaser when applied to an article deficient in tomato solids.

On August 23, 1937, the Taormina Corporation, claimant, having admitted the allegations of the libel, judgments of condemnation were entered and the product was ordered released under bond conditioned that it be properly relabeled.

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

**28119. Adulteration and misbranding of canned salmon. U. S. v. North Coast Fisheries Co., Inc. Plea of guilty. Fine, \$100 and costs.** (F. & D. No. 39473. Sample Nos. 21478-C, 28455-C.)

This product was labeled pink salmon; whereas one lot consisted in part of chum salmon and the other 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 North Coast Fisheries Co., Inc., Seattle, Wash., alleging shipment by the defendant on or about September 12, 1936, and October 13, 1936, from the State of Washington into the States of Missouri and Pennsylvania, respectively, of quantities of canned salmon, of which one

lot was misbranded and the other was adulterated in violation of the Food and Drugs Act. The article was labeled in part: "North Bay Pink Salmon \* \* \* Distributed by Wesco Foods Company General Offices, Cincinnati, Ohio."

One lot of the product was alleged to be adulterated in that it consisted in whole and in part of a decomposed animal substance.

The other lot was alleged to be misbranded in that the statement "Pink Salmon" was false and misleading and was borne on the labels so as to deceive and mislead the purchaser into the belief that it was pink salmon; whereas it was chum salmon.

On November 15, 1937, a plea of guilty was entered and the defendant was sentenced to pay a fine of \$100 and costs.

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

**28120. Adulteration of canned salmon. U. S. v. Alaska Year Round Canneries Co. Plea of guilty. Fine, \$205 and costs.** (F. & D. No. 39457. Sample Nos. 4669-C, 4670-C, 5576-C, 5577-C, 10884-C, 10897-C, 10900-C, 32363-C, 32380-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 Alaska Year Round Canneries Co., a corporation, Seattle, Wash., alleging shipment by the defendant on or about July 29 and August 14, 1936, from the Territory of Alaska into the State of Washington; on or about September 3, 1936, from the State of Washington into the State of Ohio; and on or about August 25, 1936, from the State of Washington into the State of Oklahoma of quantities of canned salmon which was adulterated in violation of the Food and Drugs Act. The product shipped from Alaska was unlabeled. The other shipments were labeled in part, variously: "Edwards Brand Alaska Red Sockeye Salmon Distributed by Wm. Edwards Co. Cleveland"; "Magnolia Brand Red Alaska Sockeye Salmon \* \* \* Distributed by the Wm. Edwards Company, Cleveland"; "Volunteer \* \* \* Fancy Red Alaska Sockeye Salmon \* \* \* Packed for Volunteer Stores, Incorporated of America Chicago, Illinois"; "Quail Brand \* \* \* Sockeye Red Salmon Distributors Ridenour-Baker Mercantile Co. Oklahoma City, Okla."

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

On December 4, 1937, a plea of guilty was entered and the defendant was sentenced to pay a fine of \$205 and costs.

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

**28121. Adulteration of oysters. U. S. v. Washington Lee Tull (W. L. Tull & Bro.). Plea of guilty. Fine, \$50 and costs.** (F. & D. No. 39480. Sample Nos. 28430-C, 28622-C.)

These oysters were packed in excessive free liquid.

On June 22, 1937, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Washington Lee Tull, trading as W. L. Tull & Bro., at Crisfield, Md., alleging shipment by the defendant on or about November 23 and December 9, 1936, from the State of Maryland into the State of Pennsylvania, of quantities of oysters which were adulterated in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that water had been mixed and packed with it so as to reduce and lower its quality and strength; and in that water had been substituted in part for oysters, which it purported to be.

On November 19, 1937, a plea of guilty was entered by the defendant and he was sentenced to pay a fine of \$50 and costs.

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

**28122. Misbranding of canned tomatoes. U. S. v. 85 Cases and 1,500 Cases of Canned Tomatoes. Decrees of condemnation. Portion ordered sold by marshal, remainder released under bond to be relabeled.** (F. & D. Nos. 39205, 41009. Sample Nos. 30752-C, 53525-C.)

This product was substandard, since a portion of it was not normally colored and the remainder did not consist of whole or large pieces and was not normally colored or flavored; and it was not labeled to indicate that it was substandard.