

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.

On March 12 and December 4, 1937, the United States attorneys for the Western and Southern Districts of Texas, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of 85 cases of canned tomatoes at El Paso, and 1,500 cases of canned tomatoes at Houston, Tex., alleging that the article had been shipped in interstate commerce on or about December 14, 1935, January 17, 1936, and October 6, 1937, by Albert W. Sisk & Son from Baltimore, Md., and charging misbranding in violation of the Food and Drugs Act as amended. A portion of the article was labeled: "Valley Brand Hand Packed Tomatoes Packed for the Valley Packing Co. Hatch, New Mexico." The remainder was labeled: "Red-Glo Tomatoes—Albert W. Sisk & Son Distributors—Not Manufacturers Preston and Aberdeen Maryland."

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 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 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 November 3, 1937, Lord-Mott Co., Baltimore, Md., the intervenor in the proceeding instituted at El Paso, Tex., having withdrawn its appearance, judgment of condemnation was entered and the product was ordered sold by the United States marshal.

On January 24, 1938, A. W. Sisk & Son, having appeared as claimant in the other proceeding and having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released to claimant under bond conditioned that it be relabeled under the supervision of this Department.

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

**28123. Misbranding of canned peas. U. S. v. 105 Cases and 64 Cases of Peas. Default decrees of condemnation and destruction. (F. & D. Nos. 39195, 39203. Sample Nos. 31798-C, 31800-C.)**

This product was substandard because the peas were not immature and it was not labeled to indicate that it was substandard.

On March 10 and 12, 1937, the United States attorney for the Eastern District of Virginia, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 105 cases of canned peas at Newport News, Va., and 64 cases of canned peas at Norfolk, Va., alleging that the article had been shipped in interstate commerce on or about November 4 and 5, 1936, by Howard E. Jones & Co. from Baltimore, Md., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Drug Hill Brand [or "Mason Dixon Brand"] Early June Peas Packed by Lineboro Canning Co. Inc., Lineboro, Md."

Misbranding was alleged in that the article was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture since the peas were not immature, 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 October 14, 1937, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

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

**28124. Adulteration of tomato soup. U. S. v. 89½ Cases of Tomato Soup. Decree of condemnation and forfeiture and order of destruction. (F. & D. No. 39032. Sample No. 31392-C.)**

This article contained filth resulting from worm infestation.

On February 3, 1937, the United States attorney for the Eastern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 89½ cases of tomato soup at Danville, Ill., alleging that the article had been shipped in interstate commerce on or about December 30, 1936, by the Morgan Packing Co. from Austin, Ind., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Mothers Pride Brand Condensed Tomato Soup. \* \* \* Packed for Peyton-Palmer Company, Danville, Illinois."