seizure and condemnation of 243 cases of canned salmon, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the Hidden Inlet Canning Co., from Hood Bay, Alaska, September 19, 1923, and transported from the Territory of Alaska into the State of Washington, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Can) "Celebration Brand * * * Cohoe Salmon Packed By Hidden Inlet Canning Co."

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of a filthy, decomposed, and putrid animal substance.

On December 26, 1923, the Hidden Inlet Canning Co., Seattle, Wash., claimant, having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $1,215, in conformity with section 10 of the act, conditioned in part that the good portion be separated from the bad portion, under the supervision of this department, the good portion released and the bad portion destroyed.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12166. Adulteration of canned salmon. U. S. v. 731 Cases and 378 Cases of Salmon. Consent decrees of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 17715, 17825. I. S. Nos. 11494–v, 12053–v. S. Nos. W–1405, W–1418.)

On August 15 and September 14, 1923, respectively, the United States attorney for the Western District of Washington, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 1,109 cases of salmon, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the Alaska Consolidated Canneries Co., from Quadra, Alaska in part March 25 and in part July 20, 1923, and transported from the Territory of Alaska into the State of Washington, and charging adulteration in violation of the Food and Drugs Act. A portion of the article was labeled in part: (Case) "Ala. Con. Canneries, Quadra, Alaska;" (can) "Tryet Brand * * * Pink Salmon Packed In Alaska By Southern Alaska Canning Co., Main Office Seattle, Wash." The remainder of the article was labeled in part: (Case) "Blue Funnel Brand Pink Salmon Packed By Alaska Pacific Fisheries, Seattle, Wash.;" (can) "Blue Funnel Brand * * * Pink Salmon."

Adulteration of the article was alleged in the libels for the reason that it consisted wholly or in part of a filthy, decomposed, and putrid animal substance.

On January 8 and 11, 1924, respectively, the Southern Alaska Canning Co., Seattle, Wash., claimant, having admitted the allegations of the libels and consented to the entry of decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of bonds in the aggregate sum of $1,000, in conformity with section 10 of the act, conditioned in part that the good portion be separated from the bad under the supervision of this department, and the good portion released and the bad portion destroyed.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12167. Adulteration and misbranding of Laymo poultry feed. U. S. v. Francis X. Murphy, P. J. Shouvlin, and Edgar Lang (Superior Feed Co.). Pleas of guilty. Fine, $50 and costs. (F. & D. No. 17709. I. S. No. 10726–v.)

On November 12, 1923, the United States attorney for the Western District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Francis X. Murphy, P. J. Shouvlin, and Edgar Lang, trading as the Superior Feed Co., Memphis, Tenn., alleging shipment by said defendants, in violation of the Food and Drugs Act, on or about July 26, 1922, from the State of Tennessee into the State of Mississippi, of a quantity of Laymo poultry feed, which was adulterated and misbranded. The article was labeled in part: (Tag) "100 Pounds Net When Packed Laymo Poultry Feed Manufactured By The Superior Feed Co. Memphis – Tenn * * * Ingredients Corn, Oats, Wheat, Kaffir, Milo Maize, Barley."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained 8.50 per cent of protein and 1.17 per cent of fat. Examination by said bureau showed that it contained only traces of wheat, grain sorghum, and sunflower, approximately 50 per cent of corn, and appreciable quantities of oats and barley, with at least 25 per cent of grit.

Adulteration of the article was alleged in the information for the reason that a substance, to wit, coarse grit, had been mixed and packed with the article so as to lower and reduce and injuriously affect its quality and strength, and for the further reason that a substance, to wit, excessive coarse grit, had been substituted in part for a product composed of corn, oats, wheat, kafir, milo maize, and barley, which the article purported to be.

Misbranding was alleged for the reason that the statements, to wit, "Guaranteed Analysis Prot 10.00 Fat 2.50 * * * Ingredients Corn, Oats, Wheat, Kaffir, Milo Maize, Barley," borne on the tags attached to the sacks containing the article, regarding the said article and the ingredients and substances contained therein, were false and misleading, in that they represented that the article contained not less than 10 per cent of protein and not less than 2.50 per cent of fat, and that it was composed of corn, oats, wheat, kafir, milo maize, and barley, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained not less than 10 per cent of protein and not less than 2.50 per cent of fat, and that it was composed of corn, oats, wheat, kafir, milo maize, and barley, whereas, in truth and in fact, it did contain less than 10 per cent of protein and less than 2.50 per cent of fat, to wit, approximately 8.50 per cent of protein and 1.17 per cent of fat, and the said article was not composed of corn, oats, wheat, kafir, milo maize, and barley but was composed of a product which contained an excessive amount of coarse grit and not more than traces of, if any, wheat, kafir, and milo maize.

On February 7, 1924, the defendants entered pleas of guilty to the information, and the court imposed a fine of $50 and costs.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12168. Adulteration and misbranding of canned tomatoes. U. S. v. 725 Cases of Canned Tomatoes. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 18273. I. S. Nos. 15935-v, 15936-v. S. No. E-4724.)

On January 24, 1924, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 725 cases of canned tomatoes, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Delaware Packing Co., from Laurel, Del., in part December 24 and in part December 25, 1923, and transported from the State of Delaware into the State of New York, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Cans) "Delaware Brand" (cut showing a red, ripe tomato) "Tomatoes Contents 1 Pound 3 Ounces" (or "Contents 2 Pounds 1 Ounce") "* * * Packed by Delaware Packing Co. Dover, Del."

Adulteration of the article was alleged in the libel for the reason that a substance, to wit, small pieces of tomato and tomato skin, had been substituted in part for the said article.

Misbranding was alleged with respect to the product involved in both consignments for the reason that the statement, "Tomatoes," regarding the article and the ingredients and substances contained in the said cases, was false and misleading and deceived and misled the purchaser. Misbranding was alleged with respect to 400 cases of the product for the further reason that the article was offered for sale under the distinctive name of another article. Misbranding was alleged with respect to the 325 cases, containing the alleged 1-pound-3-ounce cans, for the reason 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.

On February 26, 1924, the Delaware Packing Co., claimant, having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $1,500, conditioned in part that it be relabeled under the supervision of this department.

HOWARD M. GORE, *Acting Secretary of Agriculture.*