

16997. Adulteration of walnuts. U. S. v. 10 Bags of Walnuts in Shell. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 24392. I. S. No. 028758. S. No. 2616.)

On December 20, 1929, 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 seizure and condemnation of 10 bags of walnuts in shell, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by Friedrich Schonau, from Wien, Roumania, into the State of New York, on or about October 20, 1928, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance, to wit, wormy, moldy, rancid, and decomposed nuts.

On January 13, 1930, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16998. Misbranding of canned salmon. U. S. v. Whitney-Ellsworth Co. and Charles Whitney. Pleas of guilty. Fine, \$200 and costs. (F. & D. No. 23744. I. S. No. 01937.)

On October 24, 1929, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Whitney-Ellsworth Co., a corporation, Seattle, Wash., and Charles Whitney, a citizen and resident of Seattle, Wash., alleging shipment by said defendants, in violation of the food and drugs act, on or about May 11, 1928, from the State of Washington into the State of Iowa, of a quantity of canned salmon which was misbranded.

It was alleged in the information that the article was misbranded in that the statement, to wit, "Red Alaska Salmon," borne on the label attached to the can containing the said article, was false and misleading in that the said statement represented that the article was red Alaska salmon, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was red Alaska salmon, whereas it was salmon other than red Alaska salmon. Misbranding was alleged for the further reason that the article was salmon other than red Alaska salmon, and was offered for sale and sold under the distinctive name of another article, to wit, red Alaska salmon.

On November 4, 1929, a plea of guilty to the information was entered on behalf of the defendant company, and a plea of guilty was entered by Charles Whitney, and the court imposed a single fine of \$200 and costs.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16999. Misbranding and alleged adulteration of Minute jelly concentrate. U. S. v. 1900 Cartons, et al., of Minute Jelly Concentrate. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 23989. I. S. Nos. 5821, 5822, 5823. S. No. 1836.)

On September 6, 1929, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 1,900 cartons, assorted flavors, 189 cartons, raspberry flavor, 95 cartons, blackberry flavor, and 298 cartons, currant flavor, Minute jelly concentrate, remaining in the original unbroken packages at Boston, Mass., alleging that the article had been shipped by Minute Jelly (Inc.), from Cranford, N. J., on or about February 4, 1929, and transported from the State of New Jersey into the State of Massachusetts, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Carton) "Raspberry (or "Blackberry," "Currant," "Grape," or "Mint") Minute Jelly Concentrate One bottle makes two glasses of finest jelly * * * Minute Jelly, Inc., Cranford, N. J. A mixture of fruit juice and sugar with natural flavor, fruit acid and vegetable color, and a small amount of pectin to jell."

It was alleged in the libel that the article was adulterated in that a substance containing no fruit juice had been mixed and packed therewith so as to reduce and lower its quality and strength, and had been substituted in part