

quantities of preserves that were adulterated and misbranded. The articles were labeled variously in part: "Alabama Maid Brand Pure Apple Peach [or "Strawberry"] Preserves \* \* \* Distributed by Schloss & Kahn Grocery Co., Montgomery, Alabama"; "Pure Peach [or "Damson Plum", "Black Raspberry", or "Blackberry"] Preserves, Goodwin Preserving Co., Incorporated, Louisville, Ky."; "Tip-Toe Brand \* \* \* Blackberry Preserves, \* \* \* Distributed by the Janszen Company, Cincinnati, Ohio"; "Dot Dot's Good \* \* \* Pure Damson Plum [or "Peach"] Preserves, \* \* \* Distributed by Janszen Co., Cincinnati, Ohio."

The preserves were alleged to be adulterated in that excess sugar, acid, and pectin in the case of the apple and peach; sugar, acid, pectin, and water in the case of the strawberry, black raspberry, and portions of the damson plum, peach, and blackberry; and pectin, acid, and water in the case of portions of the blackberry, damson plum, and peach had been mixed and packed with the articles so as to reduce and lower and injuriously affect their quality. The articles were alleged to be adulterated further in that mixtures containing less fruit, and in most instances more sugar, than preserves should contain, had been substituted for pure preserves, which the articles purported to be and in that they had been mixed in a manner whereby their inferiority to preserves had been concealed.

They were alleged to be misbranded in that the statements, "Pure Apple Peach Preserves", "Pure Apple Strawberry Preserves", "Pure Peach Preserves", "Pure Damson Plum Preserves", "Pure Black Raspberry Preserves", "Pure Blackberry Preserves", "Blackberry Preserves", "Damson Plum Preserves", "Peach Preserves", borne on the labels affixed to the cans and jars containing the articles, were false and misleading and in that the said statements were borne on the cans and jars so as to deceive and mislead the purchaser since they represented that the articles consisted of the above-named preserves; whereas they consisted of substances resembling preserves but which contained less fruit than preserves should contain, all lots with the exception of the apple peach containing water which should have been removed by boiling, the deficiency in fruit having been concealed by added pectin, and in most lots, excessive sugar and added acid. The articles were alleged to be misbranded further in that they consisted of mixtures containing less fruit than preserves should contain; were prepared in imitation of pure preserves and were offered for sale and sold under the distinctive names of other articles, namely, preserves.

On March 17, 1937, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$270 and costs.

M. L. WILSON, *Acting Secretary of Agriculture.*

**27166. Adulteration of pickles. U. S. v. 7 Barrels of Pickles. Default decree of condemnation and destruction. (F. & D. no. 38302. Sample no. 5268-C.)**

This product was filthy and decomposed.

On September 17, 1936, the United States attorney for the Northern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of seven barrels of pickles at Waterloo, Iowa, alleging that they had been shipped in interstate commerce on or about July 15, 1936, by the Thies Pickle Co., from Pepin, Wis., and charging adulteration in violation of the Food and Drugs Act.

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

On December 3, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**27167. Adulteration of canned salmon. U. S. v. 2,382 Cartons and 6,236 Cases of Canned Salmon. Portion of product exonerated and ordered released. Remainder condemned and ordered released under bond. (F. & D. nos. 38485, 38516. Sample nos. 23702-C, 23711-C, 29229-C, 29240-C.)**

This product was in part decomposed.

On November 4 and November 9, 1936, the United States attorney for the Western District of Washington, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 8,618 cases and cartons of canned salmon at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about August 4 and

August 19, 1936, by Alaska Red Salmon Packers, Inc., from Carmel, Alaska, and charging adulteration in violation of the Food and Drugs Act.

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

On May 11, 1937, Alaska Red Salmon Packers, Inc., having appeared as claimant, consent decree of condemnation was entered as to portions of said shipments, the remainder was ordered exonerated and released, and the condemned portion was ordered released under bond conditioned that it should not be disposed of in violation of the law.

M. L. WILSON, *Acting Secretary of Agriculture.*

**27168. Adulteration of apples. U. S. v. Shields Fruit Co., Inc. Plea of guilty. Fine, \$10.** (F. & D. no. 38656. Sample no. 3031-C.)

This case involved apples that were contaminated with arsenic and lead.

On March 11, 1937, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Shields Fruit Co., Inc., Freewater, Oreg., alleging shipment by said company on or about July 9, 1936, in violation of the Food and Drugs Act, from the State of Oregon into the State of California of a quantity of apples that were adulterated. The article was labeled in part: "Extra Fancy Winesap \* \* \* Shields Fruit Co., Inc."

It was alleged to be adulterated in that it contained added poisonous and deleterious ingredients, to wit, arsenic and lead, which might have rendered it injurious to health.

On April 7, 1937, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$10.

M. L. WILSON, *Acting Secretary of Agriculture.*

**27169. Adulteration of tomato pulp. U. S. v. Vallonia Canning Co., a corporation. Plea of guilty. Fine, \$25.** (F. & D. no. 38660. Sample no. 21497-C.)

This case involved tomato pulp that contained worm and insect fragments and evidence of tomato rot.

On April 21, 1937, the United States attorney for the Southern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Vallonia Canning Co., a corporation, Vallonia, Ind., alleging shipment by said company in violation of the Food and Drugs Act on or about November 9, 1936, from the State of Indiana into the State of Missouri of a quantity of tomato pulp that was adulterated.

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

On April 21, 1937, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$25.

M. L. WILSON, *Acting Secretary of Agriculture.*

**27170. Misbranding of canned tomatoes. U. S. v. Fettig Canning Corporation. Plea of guilty. Fine, \$25.** (F. & D. no. 38673. Sample nos. 5347-C, 33901-C.)

This product fell below the standard established by this Department for canned tomatoes, both lots consisting of tomatoes with puree from trimmings, one lot being substandard in the further respect that it did not consist of whole or large pieces. Neither lot was labeled to indicate that the article was substandard.

On April 20, 1937, the United States attorney for the Southern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Fettig Canning Corporation, Elwood, Ind., alleging shipment by said company in violation of the Food and Drugs Act, on or about October 10 and October 17, 1936, from the State of Indiana into the States of Minnesota and Illinois of quantities of quantities of canned tomatoes that were misbranded. A portion of the article was labeled: "May-Flower Brand Tomatoes \* \* \* Distributed by Marshall Canning Co. Marshalltown Iowa." The remainder was labeled: "Harvest Inn Brand Tomatoes Distributed by Marshall Food Product Co., Marshalltown, Iowa."

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 and its package or label did not bear a plain and conspicuous statement