

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 it did not consist of whole or large pieces 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 April 2, 1937, Wadhams & Co., Portland, Oreg., and the Interior Grocery Co., Walla Walla, Wash. having appeared as claimants and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be released under bond to be relabeled under the supervision of this Department.

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

27192. Misbranding of canned salmon. U. S. v. 21 Cartons of Canned Salmon. Default decree of condemnation and destruction. (F. & D. no. 39182. Sample no. 32816-C.)

This product was labeled Select red salmon, but consisted of coho salmon, soft in texture, pale in color, and containing very little oil.

On March 5, 1937, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 21 cartons of canned salmon at Portland, Oreg., alleging that it had been shipped in interstate commerce on or about January 27, 1937, by Whitney & Co., from Seattle, Wash., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Can) "Red Rambler * * * Select Salmon Natural Red Color and Oil * * * Packed * * * for Whitney & Company Seattle."

It was alleged to be misbranded in that the word "Red" in the name "Red Rambler" and the statement "Select Salmon Natural Red Color and Oil" were false and misleading and tended to deceive and mislead the purchaser when applied to coho salmon of poor quality, pale in color, and having little or no oil.

On April 15, 1937, 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.*

27193. Adulteration and misbranding of canned peas. U. S. v. 514 Cases of Canned Peas. Default decree of condemnation and destruction. (F. & D. no. 39185. Sample no. 32679-C.)

This case involved canned peas that were weevil-infested. They were labeled "Garden Run" peas, whereas they were peas of the largest size.

On March 5, 1937, the United States attorney for the Eastern District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 514 cases of canned peas at Walla Walla, Wash., alleging that they had been shipped in interstate commerce on or about September 30, 1936, by Ray-Maling Co., Inc., from Hillsboro, Oreg., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Can) "Raycroft Garden Run Sweet Peas * * * Distributed by Ray-Maling Company, Inc. Hillsboro, Oregon."

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

It was alleged to be misbranded in that the statement "Garden Run", borne on the can label, was false and misleading and tended to deceive and mislead the purchaser, since the peas were not garden run, but were peas of the largest size.

On April 1, 1937, 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.*

27194. Adulteration of canned turnip greens. U. S. v. 93 Cases of Canned Turnip Greens. Default decree of destruction. (F. & D. no. 39198. Sample no. 16247-C.)

This case involved turnip greens that contained worms.

On March 24, 1937, the United States attorney for the Southern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 93 cases of canned turnip greens at Augusta, Ga., alleging that they had been shipped in interstate commerce on or about November 13, 1936, by Land o' The Sky Mutual

Association, Inc., from Waynesville, N. C., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Cans) "Southern Skyland Brand * * * Standard Turnip Greens Packed By Members of the Land o' The Sky Mutual Association, Inc. Sales Office Waynesville, North Carolina."

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

On April 14, 1937, no claimant having appeared, judgment by default was entered and the product was ordered destroyed.

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

27195. Adulteration of tomato catsup. U. S. v. 75 Cases of Canned Tomato Catsup. Default decree of condemnation and destruction. (F. & D. no. 39221. Sample no. 21625-C.)

This case involved canned tomato catsup that contained filth resulting from worm infestation.

On March 16, 1937, the United States attorney for the Southern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 75 cases of canned tomato catsup at Houston, Tex., alleging that the article had been shipped in interstate commerce on or about October 15, 1936, from Wilmington, Calif., by Coast Fishing Co., Inc., and charging adulteration in violation of the Food and Drugs Act. It was labeled in part: "Topco Brand Tomato Catsup * * * Packed by Tomato Packing Corp., Harbor City, California."

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

On May 6, 1937, 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.*

27196. Adulteration of tomato catsup. U. S. v. 156 Cases, et al., of Tomato Catsup. Default decrees of condemnation and destruction. (F. & D. nos. 39030, 39139, 39186, 39230. Sample nos. 9940-C, 10324-C, 17932-C, 30396-C.)

These cases involved tomato catsup that contained filth resulting from worm infestation.

On February 1, 1937, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 156 cases of tomato catsup at Kansas City, Mo. On March 9 and 19, 1937, libels were filed against 50 cases of the product at New Orleans, La., 17 cases at Tuscon, Ariz., and 384 cases at New York, N. Y. The libels alleged that the article had been shipped in interstate commerce by Val Vita Food Products, Inc., in part on or about November 7, 1936, and January 27 and February 4, 1937, from Fullerton, Calif., and in part on or about February 15, 1937, from Terminal Island, Calif., and that it was adulterated in violation of the Food and Drugs Act. A portion of the article was labeled: "Val Vita Brand Tomato Catsup * * * Val Vita Food Products, Inc. * * * Fullerton California." The remainder was labeled: "Val Vita Brand Tomato Catsup * * * Orange County Cannery Inc."

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

On April 1, 14, and 23 and May 3, 1937, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

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

27197. Misbranding of canned cherries. U. S. v. 200 Cartons of Canned Pitted Cherries. Consent decree of condemnation. Product released under bond to be relabeled. (F. & D. no. 39240. Sample no. 36035-C.)

This product fell below the standard established by this Department for canned pitted cherries, because of the presence of an excessive number of pits; and it was not labeled to indicate that it was substandard.

On March 19, 1937, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 200 cartons of canned cherries at San Francisco, Calif., alleging that they had been shipped in interstate commerce on or about February 27, 1937, from Seattle, Wash., by Washington Packers, Inc., and charging misbranding in violation of the Food and