the product was food in package form and the quantity of contents was not plainly and conspicuously marked on the outside of the package since the statement made was not correct.

On April 6, 1936, Cohn-Hopkins, Inc., San Diego, Calif., having appeared as claimant for the article and having admitted the allegations of the libel, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be relabeled.

W. R. GREGG, *Acting Secretary of Agriculture.*

26010. Adulteration and misbranding of potatoes. U. S. v. 400 Sacks of Potatoes. Default decree of condemnation. Product sold at public sale. (F. & D. no. 37316. Sample no. 65637–B.)

This case involved an interstate shipment of potatoes which were inferior to the grade represented.

On March 5, 1936, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 400 sacks of potatoes at Boston, Mass., alleging that the article had been shipped in interstate commerce on or about February 24, 1936, by the Aroostook Production Credit Association, from Masardis, Maine, and that it was adulterated in violation of the Food and Drugs Act. The article was labeled: (Stenciled on the sacks) "Leader Brand Aroostook County Maine Potatoes 100 lbs. Net"; (tag on sacks) "Maine Potatoes Grade U. S. No. 2 Packed by National Fruit and Vegetable Exchange, Inc. Presque Isle, Maine."

The article was alleged to be adulterated in that potatoes below U. S. grade No. 2 had been substituted wholly or in part for U. S. grade No. 2 potatoes, which the article purported to be. The article was alleged to be misbranded in that the statement on the tags, "Grade U. S. No. 2", was false and misleading and tended to deceive and mislead the purchaser when applied to potatoes below U. S. grade No. 2.

On April 6, 1936, no claimant having appeared, and the product being perishable and having been sold at public sale and the proceeds paid into the registry of the court to await the final outcome of the proceeding, pursuant to an order of the court, judgment of forfeiture of said proceeds was entered and it was ordered that the same be paid into the Treasury of the United States.

W. R. GREGG, *Acting Secretary of Agriculture.*

26011. Adulteration of canned salmon. U. S. v. 12 Cartons, 221 Cases, and 20 Cases of Salmon. Decrees of condemnation. Portion of product released under bond conditioned upon separation and destruction of decomposed salmon; remainder ordered destroyed unconditionally. (F. & D. nos. 37173, 37319, 37517. Sample nos. 34772–B, 61740–B, 62284–B.)

These cases involved canned salmon that was in part decomposed.

On February 6, 1936, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 12 cartons of canned salmon at Los Angeles, Calif. On March 5 and March 31, 1936, libels were filed against 221 cases of canned salmon at San Antonio, Tex., and 20 cases of canned salmon at Scranton, Pa. It was alleged in the libels that the article had been shipped in interstate commerce in part on or about November 16, 1935, and in part on or about December 12, 1935, by Dehn & Co., Inc., from Seattle, Wash., and that it was adulterated in violation of the Food and Drugs Act. The article was labeled in part: "Referee Salmon distributed by Dehn & Company, Inc., Seattle, Washington."

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

On February 26 and May 18, 1936, no claim having been entered for the lots seized at Los Angeles, Calif., and Scranton, Pa., judgments of condemnation were entered and they were ordered destroyed. On May 20, 1936, Dehn & Co., Inc., having appeared as claimant for the lot seized at San Antonio, Tex., and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the lot be released under bond conditioned in part that the decomposed portion be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*