26068. Adulteration of tomato puree. U. S. v. 14 Cases of Tomato Puree. Default decree of condemnation and destruction. (F. & D. no. 37621. Sample no. 54750-B.)

This case involved a shipment of tomato puree that contained excessive mold.

On April 20, 1936, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 14 cases of tomato puree at Erie, Pa., alleging that the article had been shipped in interstate commerce on or about March 11, 1936, by the Holley Canning Co., from Holley, N. Y., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Blue & White Brand Tomato Puree * * * Red & White Corp'n. Distributors, Chicago, Ill., Buffalo, N. Y., San Francisco, Cal."

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

On May 14, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

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

26069. Adulteration and misbranding of canned salmon. U. S. v. 311, 475, and 195 Cases of Canned Salmon. Decrees of condemnation and destruction. (F. & D. nos. 37612, 37623, 37626. Sample nos. 51529-B, 53185-B, 63218-B.)

These cases involved canned salmon that was in part decomposed. A portion was soft and some was scorched and overcooked.

On April 18, 1936, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 195 cases of canned salmon at St. Paul, Minn. On April 20 and April 21, 1936, libels were filed against 475 cases of canned salmon at Jacksonville, Fla., and 311 cases of canned salmon at Baltimore, Md. The libels alleged that the article had been shipped in interstate commerce between the dates of November 2, 1935, and January 8, 1936, by McGovern & McGovern, from Seattle, Wash., and that it was adulterated and a portion was misbranded in violation of the Food and Drugs Act. The shipments involved two brands labeled in part, respectively: "Far North Fancy Pink Salmon McGovern and McGovern, Seattle, U. S. A. Sole Distributors"; "McGovern's Best Brand Alaska Pink Salmon Distributed by McGovern & McGovern Seattle, U. S. A."

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

The Far North brand was alleged to be misbranded in that the term "Fancy", appearing on the labels, was false and misleading and tended to deceive and mislead the purchaser when applied to decomposed soft, scorched, and overcooked fish.

On June 13 and July 16, 1936, no claim having been entered for the lots seized at Baltimore, Md., and St. Paul, Minn., and the Quality Seafood Packing Co., claimant for the lot seized at Jacksonville, having withdrawn its claim and consented to the destruction of said lot, judgments of condemnation were entered and the product was ordered destroyed.

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

26070. Adulteration of Limburger Spread. U. S. v. 102 Jars, et al., of Limburger Spread. Default decrees of condemnation and destruction. (F. & D. nos. 37631 to 37641, incl. Sample no. 61037-B.)

These cases involved Limburger Spread that contained worm and insect fragments.

On April 23, 1936, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 580 jars of Limburger Spread in various lots at Passaic, Hackensack, West New York, Summit, and Hoboken, N. J., alleging that the article had been shipped in various shipments between the dates of April 1 and April 8, 1936, by B. Chesman & Son, Inc., from New York, N. Y., and charging adulteration in violation of the Food and Drugs Act. On April 24, 1936, the United States attorneys for the Southern District of New York, and the Eastern District of New York, filed libels against 485 jars of Limburger Spread in various lots at New York, Yonkers, Elmhurst, Lynbrook, Jamaica, and Queens Village, N. Y., consigned between the dates of March 30 and April 8, 1936, alleging that the article had been shipped by the Modern