

Misbranding of the article was alleged for the reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On March 28, 1933, 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.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20780. Adulteration of canned salmon. U. S. v. 142 Cases of Canned Salmon. Consent decree of condemnation and forfeiture. Product released under bond for separation and destruction of decomposed portions. (F. & D. no. 29797. Sample no. 28085-A.)

This case involved an interstate shipment of canned salmon that was found to be in part decomposed.

On February 13, 1933, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States a libel praying seizure and condemnation of 142 cases of canned salmon at Pueblo, Colo., consigned by Libby, McNeill & Libby, Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about September 6, 1932, from Seattle, Wash., to Pueblo, Colo., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Cans) "Happy-Vale Brand * * * Pink Salmon."

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed animal substance.

On March 20, 1933, the Copper River Packing Co., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$500, conditioned in part that the decomposed portion be segregated and destroyed.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20781. Adulteration of noodles. U. S. v. 10 Boxes of Noodles. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29813. Sample no. 27946-A.)

This case involved an interstate shipment of noodles that contained no egg and were artificially colored to simulate egg noodles.

On February 6, 1933, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States a libel praying seizure and condemnation of 10 boxes of noodles at Portland, Oreg., alleging that the article had been shipped in interstate commerce on or about January 23, 1933, by the Republic Noodle Factory, from San Francisco, Calif., to Portland, Oreg., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Red Triangle Brand Chinese Noodles * * * Plain Republic Noodle Factory, San Francisco, California."

It was alleged in the libel that the article was adulterated in that it was colored in a manner whereby inferiority was concealed.

On March 27, 1933, 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.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20782. Misbranding of lemon flavor and vanilla extract. U. S. v. 7 Cases of Lemon Flavor and 20 Cases of Vanilla Extract. Default decree of condemnation, forfeiture, and destruction. (F. & D. nos. 29786, 29787. Sample nos. 30843-A, 30844-A.)

This case involved an interstate shipment of imitation lemon flavor and imitation vanilla extract, sample bottles of which were found to contain less than the declared volume.

On February 3, 1933, 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 a libel praying seizure and condemnation of 7 cases of lemon flavor and 20 cases of vanilla extract at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about January 21, 1933, by the General Sales Co., from San Francisco, Calif., to Seattle, Wash., and charging misbranding in violation of the Food and

Drugs Act as amended. The articles were labeled in part: (Bottles) "4 Fluid Ounces Concentrated Essence Imitation Lemon Artificially Colored J. Couque & Cie., San Francisco"; and "4 Fluid Ounces J. Couque & Cie. Extracts Imitation Vanilla", respectively.

It was alleged in the libel that the articles were misbranded in that the statement on the labels, "4 Fluid Ounces", was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was 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 incorrect.

On March 20, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the products be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20783. Adulteration of canned frozen eggs. U. S. v. 99 Cans of Frozen Eggs. Consent decree of condemnation and forfeiture. Product released under bond for separation and destruction of decomposed portion. (F. & D. no. 29771. Sample no. 27121-A.)

This case involved an interstate shipment of canned frozen eggs that were in part decomposed.

On January 23, 1933, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States a libel praying seizure and condemnation of 99 cans of frozen eggs at Cincinnati, Ohio, consigned October 19, 1932, alleging that the article had been shipped in interstate commerce via the Terminals & Transportation Corporation of America, from Buffalo, N.Y., to Cincinnati, Ohio, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Mixed fine Northern Eggs * * * Odell, St. Paul."

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed animal substance.

On March 13, 1933, the J. G. Odell Co., St. Paul, Minn., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant, upon payment of costs and the execution of a bond in the sum of \$500. It was further ordered that the product be examined under the supervision of this Department, and that the decomposed portion be destroyed.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20784. Adulteration of butter. U. S. v. 4 Cartons of Butter. Default decree of condemnation and forfeiture. Product delivered to a charitable institution. (F. & D. no. 29849. Sample no. 33402-A.)

This case involved an interstate shipment of butter, samples of which were found to contain less than 80 percent of milk fat, the standard established by Congress.

On January 17, 1933, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States a libel praying seizure and condemnation of 4 cartons of butter at Allentown, Pa., alleging that the article had been shipped in interstate commerce on or about December 29, 1932, by the Sugar Creek Creamery Co., from Pana, Ill., to Allentown, Pa., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Carton) "Sugar Creek Butter, * * * Sugar Creek Creamery Company."

It was alleged in the libel that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat.

On February 14, 1933, 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 delivered to a charitable institution.

R. G. TUGWELL, *Acting Secretary of Agriculture.*