

**12848. Adulteration of canned salmon. U. S. v. 25 Cases, et al., of Salmon. Consent decree of condemnation and forfeiture. Product released under bond.** (F. & D. Nos. 17897, 17898, 17899, 17900, 17901, 17902. I. S. No. 12510-v. S. No. E-4560.)

On November 5, 1923, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 310 cases, each containing 4 dozen cans, of salmon, remaining in the original unbroken packages, in various lots at Baltimore, Frederick, Westminster, and Brunswick, Md., respectively, alleging that the article had been shipped by McGovern & McGovern, from Seattle, Wash., on or about August 29, 1923, and transported from the State of Washington into the State of Maryland, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Rose Brand \* \* \* Contents One Pound Chum Distributed By Carlisle Packing Co. Seattle, Wash., U. S. A."

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a filthy, decomposed, and putrid animal substance.

On September 23, 1924, the Carlisle Packing Co., Seattle, Wash., 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 said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,700, in conformity with section 10 of the act, conditioned in part that the bad portion be separated from the good portion under the supervision of this department, and the bad portion destroyed.

W. M. JARDINE, *Secretary of Agriculture.*

**12849. Adulteration and misbranding of olive oil. U. S. v. Harry Arony and George Papitsas (Arony & Papitsas). Plea of guilty. Fine, \$250.** (F. & D. No. 16239. I. S. No. 6978-t.)

On July 22, 1922, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Harry Arony and George Papitsas, copartners, trading as Arony & Papitsas, New York, N. Y., alleging shipment by said defendants, in violation of the food and drugs act as amended, on or about April 29, 1921, from the State of New York into the State of Pennsylvania, of a quantity of olive oil which was adulterated and misbranded. The article was labeled in part: (Can) "One Gallon General Diaz Brand Pure Olive Oil \* \* \* Lucca Italy Packed By Arony & Papitsas \* \* \* For Table and Medicinal Use."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted chiefly of cottonseed oil. Examination by said bureau showed that the average volume of 10 cans was 0.949 gallon.

Adulteration of the article was alleged in the information for the reason that a substance, to wit, cottonseed oil, had been substituted in whole or in part for olive oil, which the said article purported to be.

Adulteration of the article was alleged for the further reason that the article was sold under and by a name recognized in the United States Pharmacopœia, and differed from the standard of strength, quality, and purity as determined by the test laid down in said pharmacopœia, official at the time of investigation, in that it consisted in large part of oil made from cottonseed, whereas the said pharmacopœia provided that olive oil should consist wholly of the oil made from the ripe fruit of *Olea Europœa*, and the standard of strength, quality, and purity of the article was not stated on the container thereof.

Misbranding was alleged for the reason that the statements, to wit, "Pure Olive Oil," "Lucca Italy," and "1 Gallon," borne on the cans containing the article, were false and misleading, in that the said statements represented that the article was pure olive oil, that it was a foreign product, to wit, an olive oil produced in Lucca, Italy, and that each of the said cans contained 1 gallon of the article, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was pure olive oil, that it was a foreign product, to wit, an olive oil produced in Lucca, Italy, and that each of said cans contained 1 gallon of the article, whereas, in truth and in fact, it was not pure olive oil but was a mixture composed in large part of cottonseed oil, it was not a foreign product but was a domestic product, to wit, an article produced in the United States of America, and each of said cans did not contain 1 gallon of the article but did contain a less amount. Misbranding was alleged for the further reason that the article was an imitation