

labeled in part: (Cans) "Polar Bear Brand One-half Pound Net Weight Ground Black Pepper."

It was alleged in the libel that the article was adulterated in that cornstarch, with respect to a portion of the product, and cornstarch and ground rice, with respect to the remainder thereof, had been mixed and packed therewith so as to reduce or lower or injuriously affect its quality or strength and had been substituted wholly or in part for the said article. Adulteration was alleged with respect to a portion of the said article for the further reason that the said cornstarch and ground rice, substituted wholly or in part for the said article, had been mixed therewith in a manner whereby damage or inferiority was concealed.

Misbranding was alleged for the reason that the designations on the labels, to wit, "Black Pepper" and "Ground Black Pepper," were false and misleading and deceived and misled the purchaser, and for the further reason that the article was sold or offered for sale under the distinctive name of another article.

On June 25, 1928, the Biston Coffee Co., St. Louis, Mo., having appeared as claimant for the property, judgment of the court was entered finding the product adulterated and misbranded, and it was ordered by the court that the said product be released to the claimant upon payment of the costs of the proceedings, pursuant to the terms of a bond in the sum of \$604, conditioned in part that it be relabeled under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

15930. Misbranding of Flavonut. U. S. v. 25 Cases of Flavonut. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 22605. I. S. No. 22001-x. S. No. 615.)

On March 9, 1928, 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 for said district a libel praying seizure and condemnation of 25 cases of Flavonut, remaining in the original unbroken packages at Denver, Colo., consigned by the Ed. S. Vail Butterine Co., Chicago, Ill., alleging that the article had been shipped from Chicago, Ill., on or about February 21, 1928, and transported from the State of Illinois into the State of Colorado, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Packages) "One Lb. Flavonut."

It was alleged in the libel that the article was misbranded in that the statement "1 Lb.," borne on the label, was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On June 21, 1928, 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 repacked to bring the contents of the packages up to 1 pound and sold by the United States marshal. On July 13, 1928, the decree was amended to permit sale of the product by the marshal, in bulk or in any manner not contrary to law. On October 15, 1928, the marshal having been unable to find a buyer for the goods, it was ordered by the court that the product be destroyed.

ARTHUR M. HYDE, *Secretary of Agriculture.*

15931. Adulteration of black eye peas. U. S. v. 30 Cases, et al., of Peas. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 22250 to 22258, incl. I. S. No. 14653-x. S. No. 308.)

On December 8, 1927, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 300 cases of peas, remaining in the original unbroken packages in various lots at Miami, West Palm Beach, and Fort Lauderdale, Fla., respectively, alleging that the article had been shipped by the L. H. Hayward Co., from New Orleans, La., on or about October 10, 1927, and transported from the State of Louisiana into the State of Florida, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Starbright Black Eye Peas * * * Crescent City Packing Co. Packers, New Orleans."

It was alleged in the libels that the article was adulterated in that it consisted in part of a filthy, decomposed, or putrid vegetable substance.

On July 13, 1928, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

15932. Adulteration and misbranding of olive oil. U. S. v. 106 Gallons of Olive Oil. Default decree of condemnation, forfeiture, and sale. (F. & D. No. 22812. I. S. No. 21828-x. S. No. 855.)

On June 8, 1928, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 106 gallons of olive oil, remaining in the original unbroken packages at Pittsfield, Mass., alleging that the article had been shipped by G. Grald, from New York, N. Y., March 3, 1928, and transported from the State of New York into the State of Massachusetts, and charging adulteration and misbranding in violation of the food and drugs acts as amended.

It was alleged in the libel that the article was adulterated in that a substance consisting chiefly of cottonseed and sesame oils had been substituted in part for the said article and had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength.

Misbranding was alleged for the reason that the label bore the following statements and designs regarding the said article which were false and misleading and deceived and misled the purchaser: "Superfine Olive Oil Imported Italia Brand Lucca Italia Net Contents 1 Gallon First Pressing Cream Olive Oil Recommended highly for table and medicinal use," (designs) cut of olive sprays bearing olives and Italian flag. Misbranding was alleged for the further reason that the article purported to be a foreign product when not so, for the further reason that the statement "Net Contents 1 Gallon" was false and misleading and deceived and misled the purchaser, for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement was not correct, and for the further reason that the article was offered for sale under the distinctive name of another article.

On July 6, 1928, 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 sold by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

15933. Adulteration and misbranding of olive oil. U. S. v. 21 Quart Cans and 10 One-Half Gallon Cans of Olive Oil. Default decree of condemnation, forfeiture, and sale. (F. & D. No. 22791. I. S. Nos. 21715-x, 21716-x. S. No. 824.)

On May 21, 1928, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 21 quart cans and 10 one-half gallon cans of olive oil, remaining in the original unbroken packages at Fall River, Mass., consigned about February 24, 1928, alleging that the article had been shipped by the United Importers, Inc., Providence, R. I., and transported from the State of Rhode Island into the State of Massachusetts, and charging adulteration and misbranding in violation of the food and drugs act as amended.

It was alleged in the libel that the article was adulterated in that a substance, cottonseed oil, had been substituted wholly or in part for the said article and had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality or strength.

Misbranding was alleged for the reason that the following statements, borne on the package or label, were false and misleading and deceived and misled the purchaser: "Pure Olive Oil Extra Fine Quality Italian Product Lucca Italy. This oil is guaranteed to be absolutely pure and made from the finest selected olives. This virgin oil * * *;" (similar statements in Italian) "Lucca Bitonto Porto Maurizio Termini Imerese" (use of Italian language). Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article, for the further reason that it purported to be a foreign product when not so, and for the further reason that the package was falsely branded as to the country in which it was manufactured