18151. Misbranding of olive oil. U. S. v. 23 Tins of Olive Oil. Default decree of condemnation and forfeiture. Product ordered delivered to charitable institution or destroyed. (F. & D. No. 24925. I. S. No. 956. S. No. 3271.)

Sample cans of olive oil from the shipment herein described having been found to contain less than declared on the label, namely, less than a full gallon, the Secretary of Agriculture reported the matter to the United States attorney for the District of Oregon.

On July 24, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 23 tins of olive oil, remaining in the original unbroken packages at Portland, Oreg., alleging that the article had been shipped by the Metropolitan Grocery Co., from Seattle, Wash., on or about July 14, 1930, and had been transported from the State of Washington into the State of Oregon, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Case) "Containing 12 One Gallon Tins;" (can) "Leonetta Brand Extra Virgin Olive Oil Contents One Full Gallon, * * * Metropolitan Grocery Co."

It was alleged in the libel that the article was misbranded in that the statements on the can label, "Contents One Full Gallon," and on the case label, "Containing 12 One Gallon Tins," were 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 failed to bear a plain and conspicuous statement of the quantity of the contents, since the statement made was incorrect.

On May 8, 1931, 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 distributed to some charitable institution by the United States marshal, or destroyed.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18152. Adulteration of canned pimientos. U. S. v. 36 Cases of Canned Pimientos. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25629. I. S. No. 10854. S. No. 3919.)

Samples of canned pimientos from the shipment herein described having been found to be underprocessed, sour, and decomposed, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Illinois.

On January 5, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 36 cases of canned pimientos at Centralia, Ill., alleging that the article had been shipped in interstate commerce on or about September 10, 1930, from St. Louis, Mo., by the Pomona Products Co., of Griffin, Ga., through an agent, into the State of Illinois, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Golden Drip Brand * * * Pimientos Distributed by Empire Distributing Co., St. Louis, Mo."

It was alleged in the libel that the article was adulterated in that it consisted in part of an underprocessed product containing sour, decomposed pimientos.

On April 15, 1931, 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.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18153. Adulteration of canned pimientos. U. S. v. 9½ Cases of Pimientos. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25650. S. No. 3715.)

Samples of canned pimientos from the shipment herein described having been found to be decomposed, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Illinois.

On January 12, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of nine and one-half cases of canned pimientos at Chicago, Ill., alleging that the article had been shipped by the Pomona Products Co., from Griffin, Ga., August 23, 1930, and had been transported from the State of Georgia into the State of Illinois, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Jar) "Sunshine Brand Pimientos Grown and Packed by Pomona Products Company, Griffin, Georgia."