

**19973. Adulteration of cabbage. U. S. v. 14,000 Pounds of Cabbage. Default decree of condemnation, forfeiture, and destruction. (No. 6546-A. F. & D. No. 28336.)**

This action involved the interstate shipment of a quantity of cabbage which was found to bear arsenic in an amount which might have rendered the article injurious to health.

On May 10, 1932, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 14,000 pounds of cabbage at St. Louis, Mo., alleging that the article had been shipped in interstate commerce on or about May 3, 1932, by M. E. Girard, from Lafayette, La., to St. Louis, Mo., and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it contained a poisonous substance, to wit, arsenic, which might have rendered the article injurious to health.

On June 23, 1932, 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.

HENRY A. WALLACE, *Secretary of Agriculture.*

**19974. Adulteration and misbranding of canned pitted red cherries. U. S. v. 41 Cases, et al., of Pitted Red Cherries. Default decrees of condemnation, forfeiture, and sale. (Nos. 8137-A, 8138-A. F. & D. Nos. 28344, 28345.)**

These actions involved the interstate shipment of quantities of canned pitted red cherries, samples of which were found to contain excessive amounts of pits.

On May 5, 1932, the United States attorney for the Middle District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 47 cases of pitted red cherries, remaining in the original unbroken packages at York, Pa., alleging that the article had been shipped in interstate commerce in various consignments on or about March 26, 1932, by the Webster Canning Co. (Webster Canning & Preserving Co. (Inc.)), from Webster, N. Y., to Baltimore, Md., and were reshipped from Baltimore, Md., on April 2, April 15, and April 21, 1932, by A. J. Harris & Co., to York, Pa., and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Cans) "Pitted Red Cherries \* \* \* Packed for A. J. Harris & Co., Baltimore, Md. \* \* \* Water Pack."

It was alleged in the libels that the product was adulterated in that cherries containing excessive pits had been substituted for the article.

Misbranding was alleged for the reason that the statement on the label, "Pitted Red Cherries," was false and misleading and deceived and misled the purchaser thereof.

On June 30, 1932, no appearance or answer having been entered or filed, judgment of condemnation and forfeiture was ordered by the court, and it was further ordered and decreed that the word "Pitted" be obliterated from the labels, and the product relabeled "Red Cherries With Excessive Pits," and sold by the United States marshal.

HENRY A. WALLACE, *Secretary of Agriculture.*

**19975. Adulteration and misbranding of olive oil. U. S. v. Twenty-seven 1-Gallon Cans of Alleged Olive Oil. Default decree of condemnation, forfeiture, and destruction. (No. 10301-A. F. & D. No. 28276.)**

This action involved the shipment of a quantity of alleged olive oil, samples of which were found to contain little or no olive oil, and to be short weight. The article was labeled to convey the impression that it was a foreign product, whereas it was wholly or in large part of domestic manufacture.

On May 5, 1932, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of twenty-seven 1-gallon cans of alleged olive oil, remaining in the original and unbroken packages at Newark, N. J., alleging that the article had been shipped in interstate commerce on or about February 2, 1932, by Korbro Oil Co. (Inc.), from Brooklyn, N. Y., to Newark, N. J., and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Cans) "Orazi and Curiazi Olive Oil Distributed by I. Nuccio Orazi and Curiazi Olive Oil Co. Net Contents One Gallon \* \* \* A Compound Olive Oil \* \* \* A Compound Olio D'Oliiva."