

28916. Adulteration of Mexican corn chips. U. S. v. 24 Cases and 325 Cases of Tostadas. Default decrees of condemnation and destruction. (F. & D. Nos. 41445, 41446. Sample Nos. 48985-C, 48986-C.)

This product was rancid.

On January 17, 1938, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 349 cases of Tostadas at St. Louis, Mo., alleging that the article had been shipped in interstate commerce in various shipments on or about May 15, June 10, and July 20, 1937, by the Tostadas Corporation from Brooklyn, N. Y., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Tostadas * * * The Original Mexican Corn Chip * * * Tostadas Corporation * * * Brooklyn, New York."

It was alleged to be adulterated in that it consisted wholly or in part of a decomposed vegetable substance.

On March 31 and April 19, 1938, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

28917. Adulteration of fresh spinach. U. S. v. 753 Baskets of Fresh Spinach (and three similar seizure actions). Consent decrees of condemnation and destruction. (F. & D. Nos. 42195, 42199, 42200, 42201. Sample Nos. 17127-D to 17130-D, incl.)

This product was heavily infested with aphids.

On April 13 and 14, 1938, the United States attorney for the District of Maryland, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 2,281 baskets of fresh spinach at Baltimore, Md., alleging that the article had been shipped in interstate commerce on or about April 12, 1938, from Norfolk, Va., by Eugene L. Duvall, and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy vegetable substance.

On April 14, 1938, Eugene L. Duvall, claimant, having consented to the entry of decrees, judgments of condemnation were entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

28918. Adulteration and misbranding of corn and olive oil. U. S. v. 84 Cans of Corn Oil and Olive Oil. Default decree of condemnation and destruction. (F. & D. No. 40288. Sample No. 56531-C.)

This product was represented to be corn and olive oil, but it consisted essentially of cottonseed oil and was artificially colored.

On September 14, 1937, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 84 cans of alleged corn and olive oil at Newark, N. J., alleging that the article had been shipped in interstate commerce on or about November 27, 1936, and May 5, 1937, from New York, N. Y., by the Import Oil Corporation, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Corn Oil and Olive Oil La Deliziosa Brand * * * Delizia Sales Co. New York, N. Y."

It was alleged to be adulterated in that cottonseed oil had been substituted in whole or in part for corn oil and olive oil, which it purported to be; and in that it was mixed and colored in a manner whereby inferiority was concealed.

Misbranding was alleged in that the name of the article, corn oil and olive oil, was false and misleading and tended to deceive and mislead the purchaser; in that the statements borne on the label, "Awarded Gold Medal and Cross of Merit * * * for Corn and Olive Oil" and "Premiato * * * Per Olli di Gran Turco E Olio D'Oliva," were misleading and tended to deceive and mislead the purchaser since they implied that the article was high quality corn and olive oil, whereas it was not high quality corn and olive oil but consisted of cottonseed oil and was artificially colored; and in that the statements, "Corn Oil and Olive Oil" and "Premiato * * * Per Olli di Gran Turco E Olio D'Oliva," were misleading and tended to deceive and mislead the purchaser since the article contained artificial coloring which was not declared. The article was alleged to be misbranded further in that it was offered for sale under the distinctive name of another article, corn oil and olive oil.