sion of Government Inspectors", were false and misleading and tended to deceive and mislead the purchaser.

On September 18, 1935, Alliance Distributors, Inc., having appeared as claimant and having admitted the allegations of the libel and consented to a decree, judgment of condemnation and forfeiture was entered and it was ordered that the product be released under bond conditioned that it be relabeled under the supervision of this Department.

W. R. GREGG, *Acting Secretary of Agriculture.*

25206. Misbranding of clam juice. U. S. v. 50 Cases of Clam Juice. Consent decree of condemnation. Product released under bond for reconditioning. (F. & D. no. 36106. Sample no. 38120–B.)

This case involved an interstate shipment of canned clam juice which was short in measure and which was misrepresented on the label as having curative or therapeutic effect.

On August 6, 1935, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 50 cases of canned clam juice at San Diego, Calif., alleging that the article had been shipped in interstate commerce on or about July 8, 1935, by the Bangor Packing Co., from Seattle, Wash., and that it was misbranded in violation of the Food and Drugs Act. The article was labeled in part: "Point Loma Brand Fancy Clam Juice Net Contents 1 Pint 4 Fl. Oz. * * * Packed for and Guaranteed by Klauber Wangenheim Co. San Diego, Los Angeles & El Centro, California."

The article was alleged to be misbranded in that it 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 quantity stated was incorrect. Misbranding was alleged for the further reason that the label bore the statements regarding the curative or therapeutic effect of the article, "Will be found very beneficial for all stomach disorders. It tones up the entire system", which were false and fraudulent.

On September 20, 1935, Klauber Wangenheim Co., having appeared as claimant and consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered that the product be released under bond conditioned that it be reconditioned under the supervision of this Department.

W. R. GREGG, *Acting Secretary of Agriculture.*

25207. Adulteration of cherries. U. S. v. 15 Crates, et al., of Cherries. Default decree of condemnation and destruction. (F. & D. nos. 36196, 36198. Sample nos. 24485–B, 24490–B.)

Examination of the cherries involved in these cases showed the presence of lead which might have rendered them harmful to health.

On July 13, 1935, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court two libels praying seizure and condemnation of 15 crates of cherries and 115 crates of cherries, respectively, at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about July 12, 1935, by Charles A. Collins, from Moorestown, N. J., and that it was adulterated in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained an added poisonous or deleterious ingredient, lead, which might have rendered it harmful to health.

On August 16, 1935, no claimant having appeared, judgment of condemnation and forfeiture was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

25208. Adulteration and misbranding of dog food. U. S. v. 50 Cases of Trixie Brand Beef Ration Dog Food and 272 Cases of "Playfair" Beef Ration Dog Food. Consent decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. no. 35769. Sample nos. 38008–B, 38009–B.)

This case involved a shipment of dog food represented on the label to contain beef, but which contained lung tissue instead.

On July 19, 1935, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 50 cases and 272 cases of canned dog food at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about June 8, 27, and 28, 1935, by

O'Connell Packing Co., from Portland, Oreg., and that the article was adulterated and misbranded in violation of the Food and Drugs Act. The article was labeled in part: "Trixie Brand Beef Ration Dog Food [or 'Playfair' Beef Ration Dog Food] * * * Packed by O'Connell Packing Co., Portland, Oregon."

Adulteration of the article was alleged in that an article containing lung tissue had been substituted for a product purporting to contain beef meat as implied by the designation on the label, "Beef Ration Dog Food."

Misbranding of the article was alleged in that the following statements appearing on the labels in the lot of 50 cases, "Beef Ration Dog Food", " 'Trixie' * * * would tell you that Trixie Beef Ration should constitute an important item in the feeding schedule. 'Trixie's' food embodies oils, minerals, * * * and fresh packing house meats * * *", and the following statements appearing on the labels in the lot of 272 cases, "Beef Ration Dog Food, * * * this balanced food", "Playfair Beef Ration is made from fresh packing house meats, * * * minerals and fats, * * * proportioned in accordance with the bio-chemical requirements of the feeding animal", were false and misleading and tended to deceive and mislead the purchaser when applied to a product which contained lung tissue instead of beef.

On July 23, 1935, A. W. O'Connell, doing business as the O'Connell Packing Co., having appeared as claimant and having admitted the allegations of the libel and consented to a decree, judgment of condemnation and forfeiture was entered and it was ordered that the product be released under bond conditioned that it be relabeled under the supervision of this Department.

W. R. Gregg, *Acting Secretary of Agriculture.*

25209. Adulteration and misbranding of alleged olive oil. U. S. v. Forty-one and Four 1-Gallon Cans of Alleged Olive Oil. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 35790. Sample nos. 36243-B, 36250-B.)

This case involved shipments of a product which was represented on the label as being olive oil and as having been imported from Italy, whereas the product was not olive oil but was sunflower oil artificially colored and flavored, it was not imported from Italy, and the measure of the contents of the package was less than that represented on the label.

On July 26, 1935, the United States attorney for the District of Rhode Island, acting on a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 41 cans of an article labeled in part, "Sublime Olive Oil Berino Bran", and 4 cans of an article labeled in part, "Olive Oil Lora Brand", at Providence, R. I., alleging that the product had been shipped in interstate commerce on or about June 13 and 24, 1935, by the Import Oil Co., from New York, N. Y., and that it was adulterated and misbranded in violation of the Food and Drugs Act.

Adulteration of the product was alleged in that sunflower or corn oil, artificially colored and flavored, had been substituted for olive oil, which the product purported to be.

Misbranding of the product was alleged (1) in that the statements and designs appearing on the labels of the 41 cans of the so-called "Sublime Olive Oil Berino Brand", "Italian Product", "Sublime Olive Oil", "Lucca-Italia", "The Purity of this Olive Oil is guaranteed under chemical analysis", "La Purezza di quest' olio e' garentita all' analisi chimica noi lo raccomandiamo per uso tavola che per uso medicinale", "Imported from Italy", and "Net Contents One Gallon", and a design of olive branches; and the statements and designs appearing on the labels of the 4 cans of the so-called "Olive Oil Lora Brand", "Superfine Olive Oil Extra Quality", "Imported from Italy", "Olio D'Oliva Superfino Qualita Extra", "Importato Dall' Italia", "First Pressing Cream Olive Oil", "Il contenuto di questa e garentito Olio D'Oliva assolutamente puro sotto analisi chimica ottimo per uso da tavola che per uso medicinale", "Imported from Italy", "Net Contents 1 Gallon", and designs of olive branches, were false and misleading and tended to deceive and mislead the purchaser; (2) in that it purported to be a foreign product when not so; (3) in that it was offered for sale under the distinctive name of another article, olive oil; and (4) in that it was in package form and the quantity of the contents was not plainly and conspicuously marked on the package, since the quantity stated was incorrect.

On August 16, 1935, no claimant having appeared, judgment of condemnation and forfeiture was entered and it was ordered that the product be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*