25210. Adulteration of tomato ketchup. U. S. v. 15 Cases of Tomato Ketchup. Consent decree of condemnation, forfeiture, and destruction. (F. & D. no. 35822. Sample no. 26885–B.)

This case involved a shipment of tomato ketchup which was filthy, decomposed, and putrid by reason of the presence of insects.

On July 30, 1935, the United States attorney for the District of Hawaii, acting on a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 15 cases of tomato ketchup at Paia, Maui, Territory of Hawaii, alleging that the article had been shipped in interstate commerce, on or about July 17, 1935, by Alexander & Baldwin, Ltd., from San Francisco, Calif., and that it was adulterated in violation of the Food and Drugs Act. The article was labeled in part: "Tomato Ketchup Net Weight Fourteen ozs. avd. Pratt-Low Preserving Company, General Office Santa Clara, California, U. S. A. Distributors."

The article was alleged to be adulterated for the reason that it consisted in whole or in part of a filthy, decomposed, putrid animal or vegetable substance in that it was infested with insects.

On August 15, 1935, the Maui Agricultural Co., Ltd., owners of the Paia Store, Paia, Maui, Hawaii, having appeared as claimants for the product, through their agent, Alexander & Baldwin, a corporation, and having admitted the allegations of the libel and consented to entry of judgment, a decree of condemnation and forfeiture was entered and it was ordered that the product be destroyed.

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

25211. Adulteration of cherries. U. S. v. 95 Baskets of Cherries. Default decree of condemnation and destruction. (F. & D. no. 36197. Sample no. 24484–B.)

Examination of the cherries involved in this case 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 a libel praying seizure and condemnation of 95 baskets of cherries at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about July 12, 1935, by Emmor Roberts, 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.*

25212. Adulteration of cherries. U. S. v. 150 Baskets of Cherries. Default decree of condemnation and destruction. (F. & D. no. 36200. Sample no. 24496–B.)

Examination of the cherries in this case showed the presence of lead which might have rendered them harmful to health.

On July 16, 1935, the United States attorney for the Eastern District of Pennsylvania filed in the district court a libel praying seizure and condemnation of 150 baskets of cherries at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about July 15, 1935, by Byron T. Roberts, from Marlton-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.*

25213. Adulteration of cherries. U. S. v. 31 Baskets of Cherries. Default decree of condemnation and destruction. (F. & D. no. 36199. Sample no. 24492–B.)

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

On July 15, 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 a libel praying seizure and condemnation of 31 baskets of cherries

at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about July 15, 1935, by Preston T. Roberts, 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 30, 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.*

25214. Adulteration and misbranding of alleged olive oil. U. S. v. Thirty-eight 1-Gallon Cans of Alleged Olive Oil. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 35791. Sample nos. 36245-B, 36246-B, 36247-B, 36249-B.)

This case involved a shipment of a product which was represented on the labels to be imported olive oil, but which was in fact a domestic product composed of sunflower oil or corn oil artificially colored and flavored, and the quantity of the contents of the cans was less than that stated on the labels.

On July 26, 1935, the United States attorney for the District of Rhode Island, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of thirty-eight 1-gallon cans of alleged olive oil at Providence, R. I., alleging that the product had been shipped in interstate commerce on or about June 13, 1935, by Itolo Olive Oil Co., from New York, N. Y., and that it was adulterated and misbranded in violation of the Food and Drugs Act. The article in six of the cans, described as "Olive Oil Lora Brand", was labeled: "Superfine Olive Oil Extra Quality * * * Imported From Italy Olio D'Oliva Superfino Qualita Extra 'Importato Dall' Italia 'First Pressing Cream Olive Oil' Il contenut odi questa e' garentito Olio D'Oliva assolutamente puro sotto analisi chimica ottimo per uso da tavola che per uso medicinale", "Net Contents 1 Gallon [designs of olive branches] Imported From Italy." The article in five of the cans, described as "Olive Oil * * * Italia Brand", was labeled: "Superfine Olive Oil Imported Italia Brand Lucca Italia Premiato In Tutte Le Esposizioni Europee First Pressing Cream Olive Oil Net Contents 1 Gallon [designs of olive branches and Italian flag] Imported From Italy." The article in 23 of the cans, described as "Olive Oil Acomo Fo Brand", was labeled: "Imported Products Sublime Olive Oil * * * The Olive Oil contained in this can is pressed from fresh packed high grown fruit, * * * and guaranteed to be absolutely pure under any chemical analysis. L'Olio d'oliva contenuto in questa latta e ottenuto dal miglior frutto appena colto confezionato dal produttore nelle migliori condizioni igieniche e garantito puro a qualsiasi analisi chimica. Il produttore raccomanda al consumatore di distruggere questa latta appena vuota affine di evitare che, poco scrupolosi rivenditori la riempiano con olii adulterati o con olii di qualita inferiore. Il produttore avverte i rivenditori, che procedera contro i termini di legge. Net Contents One Gallon [design of olive branches] Imported From Italy." The article in 4 of the cans, described as "Italia Brand Olio Puro D'Oliva Vergime", was labeled "Italia Brand Olio Puro D'Oliva Vergine Confezionato in Italia Impaccato Espressamente Per San Remo Olive Oil Co. Questo Olio D'Oliva e' garentito assolutamente puro sotto analisi chimica ottimo per uso da tavola che per uso medicinale Contents Net I Gallon [designs of olive branches and Italian flag] Imported From Italy. Adulteration of the product was alleged in that sunflower oil or corn oil, artificially flavored and (in the case of the four cans of "Italia Brand Olio Puro D'Oliva Vergine") artificially colored had been substituted for olive oil, which the article purported to be. Misbranding of the product was alleged in that the aforesaid statements and designs and devices appearing on the labels were false and misleading and tended to deceive and mislead the purchaser; and in that the product was offered for sale under the distinctive name of another article; and in that it purported to be a foreign product when it was not so; and in that it was in package form and the quantity of the contents was not plainly and conspicuously stated on the outside of the package, since the quantity stated was incorrect.

On August 26, 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.*