malt sirup at St. Louis, Mo., alleging that the article had been shipped in interstate commerce on or about June 14 and July 12, 1935. by the Dextora Co., from Indianapolis, Ind., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Can) "Pearl Brand Malt Syrup Hop Flavored * * * Exclusive Distributors L. Pearlstone St. Louis, Mo."

The article was alleged to be adulterated in that a nonmalt product had been mixed and packed therewith so as to reduce and lower its quality and has been substituted for malt sirup, and for the further reason that it was mixed in a manner whereby inferiority was concealed.

Misbranding was alleged for the reason that the statement "malt syrup", borne on the label, was false and misleading and tended to deceive and mislead the purchaser; and for the further reason that it was offered for sale under the distinctive name of another article.

On October 14, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**25331. Adulteration and misbranding of alleged olive oil. U. S. v. 1 Drum of Alleged Olive Oil. Default decree of condemnation and destruction.** (F. & D. no. 36138. Sample no. 22082–B.)

This case involved a product which was labeled as Italian olive oil, but which in fact consisted essentially of cottonseed oil with some olive oil present.

On August 16, 1935, 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 one drum of alleged olive oil at Newark, N. J., alleging that the article had been shipped in interstate commerce on or about June 17, 1935, by the Venice Importing Co., from Brooklyn, N. Y., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Drum) "Italian Olive Oil Filippo Berio * * * Lucca * * * Vic Brooklyn, N. Y."

The article was alleged to be adulterated in that cottonseed oil had been mixed and packed therewith so as to reduce or lower or injuriously affect its quality, and had been substituted in part for olive oil, which the article purported to be.

Misbranding was alleged for the reason that the statements on the label, "Italian Olive Oil Filippo Berio" and "Lucca", were false and misleading and tended to deceive and mislead the purchaser when applied to a product which was essentially domestic cottonseed oil; for the further reason that it was offered for sale under the distinctive name of another article, namely, "Italian Olive Oil"; and for the further reason that it purported to be a foreign product, whereas it was essentially domestic cottonseed oil.

On October 5, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**25332. Adulteration of tomato catsup. U. S. v. 198 Cases of Tomato Catsup. Default decree of condemnation and destruction.** (F. & D. no. 36155. Sample no. 37664–B.)

This case involved an interstate shipment of tomato catsup which was found to contain worm and insect debris.

On August 17, 1935, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 198 cases of tomato catsup at San Francisco, Calif., alleging that the article had been shipped in interstate commerce on or about July 13, 1935, by Stokely Bros. & Co., from Oakland, Calif., to Tacoma, Wash., and thence reshipped in interstate commerce on or about August 2, 1935, to San Francisco, Calif., and that it was adulterated in violation of the Food and Drugs Act. The article was labeled: "Highway Brand Tomato Catsup * * * Packed for Western States Grocery Co. Inc. Seattle, Portland, Oakland."

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

On September 13, 1935, no claimant having appeared, judgment of condemnation and forfeiture was entered and it was ordered that the product be destroyed.

R. G. TUGWELL, *Acting Secretary of Agriculture.*