

tuna at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about April 17, 1935, by Cohn-Hopkins, Inc., from San Diego, Calif., and charging adulteration in violation of the Food and Drugs Act. A portion of the article was labeled in part: "Matfisco Brand Ocean's Best Light Meat Tuna * * * National Fisheries, Ltd. Distributors Chicago." The remainder was labeled in part: "Our Quality Brand California Tuna Light Meat * * * Packed by Cohn-Hopkins, Inc. Quality Packers San Diego, Calif."

The article was alleged to be adulterated in that it consisted in part of a decomposed animal substance.

On July 17, 1935, Cohn-Hopkins, Inc., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that the decomposed portion be segregated and destroyed.

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

24955. Adulteration and misbranding of macaroni, egg noodles, and spaghetti. U. S. v. 10 Cartons of Macaroni, et al. Default decrees of condemnation and destruction. (F. & D. nos. 35572, 35573, 35575. Sample nos. 30242-B to 30250-B, incl.)

These cases involved interstate shipments of alimentary paste that contained added soybean meal and a yellow coloring matter.

On May 29, 1935, the United States attorneys for the Southern District of New York and the Eastern District of New York, acting upon reports by the Secretary of Agriculture, filed in the respective district courts libels praying seizure and condemnation of 83 cartons or cases of macaroni, spaghetti, and egg noodles at New York, N. Y., and 57 cases of macaroni and spaghetti at Brooklyn, N. Y., alleging that the articles had been shipped in interstate commerce between the dates of March 12 and May 16, 1935, by the Kurtz Bros. Corporation, from Philadelphia, Pa., and charging adulteration and misbranding in violation of the Food and Drugs Act. The articles were labeled in part, variously: "Macaroni Ace Brand Manufactured by Kurtz Brothers Corporation Philadelphia, Pa."; "Pasquelina Brand 100% Pure Semolina B. Mandel & Co.—New York, N. Y. * * * Spaghetti"; "King Brand Pure Egg Noodles Manufactured by Kurtz Brothers Corporation Philadelphia, Pa."; "Conte di Savoia High Grade Durum Wheat Semolina Macaroni Manufactured by Kurtz Brothers Corporation Philadelphia, Pa."; "Merrisalco Finest Quality Macaroni * * * Spaghetti Merrisalco Food Products Corp. Brooklyn—New York"; "Cara Brand Extra Fine Quality Products Pure Semolina Gragnano Style * * * Spaghetti Packed for Acierno Bros., Brooklyn, N. Y."; "Spaghetтини."

The articles were alleged to be adulterated in that products containing soybean meal and an added color had been substituted for macaroni, spaghetti, and egg noodles; and for the further reason that they were colored in a manner whereby inferiority was concealed.

Misbranding was alleged with respect to portions of the products for the reason that the following statements on the labels were false and misleading and tended to deceive and mislead the purchaser: "Macaroni"; "100% Pure Semolina * * * Spaghetti", "Pure Egg Noodles"; "Finest Quality Macaroni"; "High Grade Durum Wheat Semolina."

On June 26 and July 25, 1935, no claimant having appeared, judgments of condemnation were entered and it was ordered that the products be destroyed.

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

24956. Adulteration and misbranding of macaroni. U. S. v. 102 Cases and 17 Boxes of Macaroni. Default decrees of condemnation and destruction. (F. & D. nos. 35576, 35683. Sample nos. 30437-B, 31153-B.)

These cases involved shipments of macaroni that contained soybean meal and turmeric, a yellow coloring matter.

On May 29, 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 (amended July 2, 1935) praying seizure and condemnation of 102 cases of macaroni at Hoboken, N. J. On June 26, 1935, a libel was filed against 17 boxes of macaroni at Newark, N. J. The libels charged that the article had been shipped in interstate commerce in various shipments between the dates of May 2 and June 8, 1935, by the Giancontieri Macaroni Corporation, from Brooklyn, N. Y., and that it was adulterated and misbranded in violation of the Food and Drugs Act. A portion of the article was labeled: "Marca Tre 'G' Macaroni Made from Pure Semolina * * * Manufactured and Guaranteed by Giancontieri Macaroni Corporation Brooklyn,

N. Y." The remainder was labeled: "Extra Quality Pure Semolina Macaroni M. Lucatelli Brand Distributors New Jersey Importing Co. Hoboken, N. Y."

The article was alleged to be adulterated in that a product containing soybean meal and added color, turmeric, had been substituted for macaroni, which the article purported to be; and for the further reason that it was colored in a manner whereby inferiority was concealed.

Misbranding was alleged for the reason that the statements on the labels, "Macaroni Made from Pure Semolina" and "Extra Quality Pure Semolina Macaroni", were false and misleading and tended to deceive and mislead the purchaser.

On August 20 and September 4, 1935, no claimant having appeared, judgments of condemnation were entered and it was ordered that the product be destroyed.

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

24957. Adulteration and misbranding of olive oil color and olive oil flavor. U. S. v. 8 Gallons of Colora Da Oliva de Oliva, et al. Default decrees of condemnation and destruction. (F. & D. nos. 35580, 35581. Sample nos. 24455-B, 24456-B.)

These cases involved products sold as substances for coloring and flavoring oils. Examination showed that both products contained an unpermitted coal-tar color, and that the coloring substance also contained excessive lead.

On May 29, 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 libels praying seizure and condemnation of 8 gallons of Colora Da Oliva de Oliva and 17 gallons of Olive Concentrol at Philadelphia, Pa., alleging that the articles had been shipped in interstate commerce on or about January 22, 1935, by L. Feldman & Co., from New York, N. Y., and charging adulteration and misbranding in violation of the Food and Drugs Act. The articles were labeled in part: "Gustav Schraff Fabrik Mainz Colora Da Oliva de Oliva [or "Olive Concentrol"]."

The olive-oil color was alleged to be adulterated in that it contained added deleterious ingredients, namely, Quinizarine green, an unpermitted coal-tar color, and an excessive amount of lead, which might have rendered it injurious to health. The olive-oil flavor was alleged to be adulterated in that an article containing artificial flavor and artificial color had been substituted for olive-oil flavor, which the article purported to be; and for the further reason that it contained an added deleterious ingredient, Quinizarine green, which might have rendered it harmful to health.

Misbranding was alleged for the reason that the articles were offered for sale under the distinctive names of other articles, namely, "Imported Oil Color" and "Imported Olive Oil Flavor." Misbranding of the olive-oil flavor was alleged for the further reason that the statement on the label, "Olive Concentrol", was false and misleading and tended to deceive and mislead the purchaser.

On July 8, 1935, no claimant having appeared, judgments of condemnation were entered and it was ordered that the products be destroyed.

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

24958. Misbranding of canned pears. U. S. v. 36 Cases and 115 Cases of Canned Pears. Decrees of condemnation. Product released under bond to be relabeled. (F. & D. nos. 35585, 35655. Sample nos. 36230-B, 36232-B.)

These cases involved shipments of canned pears which fell below the standard established by the Secretary of Agriculture, and which were not labeled to indicate that they were substandard.

On May 29 and June 18, 1935, the United States attorney for the District of Massachusetts, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 115 cases of canned pears at Worcester, Mass., alleging that the article had been shipped in interstate commerce on or about February 19 and March 20, 1935, by the Arthur L. Johnson Co., from Providence, R. I., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "On the Level Brand * * * Bartlett Pears * * * Packed by The Packwell Corporation Oakland, Calif."

The article was alleged to be misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture, since it was not uniform in size and was not in unbroken halves, and its package or label did not bear a plain and conspicuous statement