

and mislead the purchaser, since they suggested that the product was of foreign origin; whereas it was not, and this impression was not corrected by the statement on the side panel indicating the domestic source of the product. Misbranding was alleged for the further reason that the statements on the label, "Salsa Di Pomodoro", and "Tomato Paste", were false and misleading and tended to deceive and mislead the purchaser, when applied to tomato paste containing artificial color, and this misbranding was not corrected by the inconspicuous legend appearing in a vertical position on the side panel, "Pure Color Added."

On March 21, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

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

**24414. Adulteration of tomato puree and tomato pulp. U. S. v. 367 Cases of Tomato Puree, et al. Default decrees of condemnation and destruction.** (F. & D. nos. 34939, 35027, 35045, 35064, 35219. Sample nos. 18275-B, 25484-B, 27964-B, 27970-B, 28000-B, 29121-B.)

These cases involved interstate shipments of tomato puree and tomato pulp that contained excessive mold.

On January 21, January 26, and March 6, 1935, the United States attorney for the Eastern District of Missouri, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 452 cases of tomato puree and 114 cases of tomato pulp at St. Louis, Mo. On January 31, 1935, a libel was filed in the Northern District of Illinois against 47 cases of tomato puree at Chicago, Ill., and on February 4, 1935, a libel was filed in the Eastern District of Michigan against 674 cases of tomato puree at Detroit, Mich. The libels charged that the articles had been shipped in interstate commerce between the dates of September 10, 1934, and December 31, 1934, by the Everitt Packing Co., from Underwood, Ind., and that they were adulterated in violation of the Food and Drugs Act. The articles were labeled, variously: "Chic Brand Tomato Puree \* \* \* Hensgen-Peters-Smith Co. Distributors St. Louis, Mo."; "Sail On Tomato Pulp \* \* \* General Grocer Company, Distributors, St. Louis, Missouri"; "Ever-It Brand Tomato Puree \* \* \* Packed by Everitt Packing Co. Underwood Indiana"; "De-Luxe Brand \* \* \* Tomato Puree Lowell-Krekeler Grocer Co. Distributors St. Louis, Mo."

The articles were alleged to be adulterated in that they consisted wholly or in part of decomposed vegetable substances.

On February 14, March 1, March 26, March 28, and May 8, 1935, no claimant having appeared, judgments of condemnation were entered and it was ordered that the products be destroyed.

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

**24415. Misbranding of salad oil. U. S. v. 25 Cans of Salad Oil. Default decree of condemnation. Product delivered to charitable organization.** (F. & D. no. 34581. Sample no. 21268-B.)

This case involved a product consisting of cottonseed oil and a small amount of olive oil which was labeled to convey the impression that it was Italian olive oil.

On or about December 21, 1934, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 25 cans of salad oil at New Haven, Conn., alleging that the article had been shipped in interstate commerce on or about November 17, 1934, by Pietro Esposito & Bro., Inc., from New York, N. Y., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Fine Oil La Gloriosa Brand \* \* \* La Gloriosa Packing Co. P. E. & B. Inc. N. Y."

The article was alleged to be misbranded in that the following statements and designs appearing on the can label were misleading and tended to deceive and mislead the purchaser, since they created the impression that the article was Italian olive oil, whereas it consisted essentially of domestic cottonseed oil: "La Gloriosa", "Olio Finissimo \* \* \* Premiato All' Esposizione Di Roma 1924 Italia", "Puro e delizioso olio composto dell' ottanta cinque per cento di scelto olio vegetale e quindici per cento di olio d'Oliva di Lucca", and "Garentisce il miglior risultato per tavola e cucina Italiana. Altamente raccomandato per frittura, insalata e salse all' Italiana [designs of a crown, olive branches and medal carrying the Italian national colors]." Misbranding was alleged.

for the further reason that the statement on the label, "Pure And Delicious Oil Composed of Eighty Five Percent Choice Salad Oil and Fifteen Percent Lucca Olive Oil", was misleading and tended to deceive and mislead the purchaser because of the undue prominence given to the words "Lucca Olive Oil" (which legend also had the same prominence in this statement appearing in the Italian language); and also because the term "Salad Oil", which includes olive oil, did not sufficiently inform the purchaser of the presence of cottonseed oil. Misbranding was alleged for the further reason that the article purported to be a foreign product when not so.

On March 11, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be delivered to a charitable organization.

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

**24416. Adulteration of canned mackerel. U. S. v. 25 Cases, et al., of Canned Mackerel. Default decrees of condemnation and destruction. (F. & D. nos. 34595 to 34598, incl. Sample no. 22470-B.)**

These cases involved shipments of canned mackerel which was in part decomposed.

On or about December 22, 1934, the United States attorney for the Eastern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 309 cases of canned mackerel in various lots at Carthage, Center, Marshall, and Jefferson, Tex., alleging that the article had been shipped in interstate commerce on or about October 30, 1934, by the Seaboard Packing Corporation, from Long Beach, Calif., to Shreveport, La., and from there reshipped into the State of Texas, and charging adulteration in violation of the Food and Drugs Act.

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

On February 13, March 15, and May 6, 1935, no claimant having appeared, judgments of condemnation were entered and it was ordered that the product be destroyed.

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

**24417. Adulteration of tomato catsup. U. S. v. 483 Cases, et al., of Tomato Catsup. Default decrees of condemnation and destruction. (F. & D. nos. 34599, 34684, 34736, 34823, 34849. Sample nos. 25271-B, 25272-B, 27458-B, 27459-B, 27954-B.)**

These cases involved interstate shipments of tomato catsup that contained excessive mold.

On January 5, 1935, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 1,174 cases of tomato catsup at Chicago Ill. On January 9, 1935, a libel was filed in the Eastern District of Missouri against 483 cases of the product at St. Louis, Mo., and on January 12 and 15, 1935, libels were filed in the Western District of Missouri against 261 cases at Kansas City, Mo. The libels alleged that the article had been shipped in interstate commerce between the dates of September 20, 1934, and November 30, 1934, by the Snider Packing Corporation, from Fairmount, Ind., and that it was adulterated in violation of the Food and Drugs Act. The article was labeled in part: "Snider Catsup \* \* \* Snider Packing Corporation General Office Rochester, N. Y."

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

On March 7, March 21, and April 3, 1935, no claimant appearing, judgments of condemnation were entered and it was ordered that the product be destroyed.

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

**24418. Adulteration of apples. U. S. v. 69 Bushels of Apples. Default decree of condemnation and destruction. (F. & D. no. 34666. Sample no. 27231-B.)**

Examination of the apples involved in this case showed the presence of arsenic and lead in amounts that might have rendered them injurious to health.

On or about November 16, 1934, the United States attorney for the District of Kansas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 69 bushels of apples at Concordia, Kans., alleging that the article had been shipped in interstate commerce on or about September 11, 1934, by the Cochrane Brokerage Co., from