

Misbranding was alleged for the reason that the statements (main panels) "Pure Olive Oil, Italy", "Philip Berio and C Lucca Tuscany", "Olio d'Oliva Puro" "Italia", "Filippo Berio \* \* \* Lucca Toscana", (side panels) "Prize awarded at the Chicago Exposition 1893 for Pure Olive Oil to Philip Berio and C. of Lucca", "Onde proteggere la nostra marca dalle continue contraffazioni ciascuna latta deve portare la nostra firma autentica invece della nostra ditta stampata come per il passato. Ogni contraffattore della nostra marca sara punito a termini di legge", "Olio Puro D'Oliva della ditta Filippo Berio & C. Di Lucca Premiato All' Esposizione di Chicago 1893", "Salov . . . Lucca", "Packed in Italy", (imprinted on ends of can) "Packed in Italy", borne on the label, were false and misleading and tended to deceive and mislead the purchaser, since the article was not Italian olive oil, but was an artificially colored and flavored mixture of oils other than olive oil, and had not been packed in Italy. Misbranding was alleged for the further reason that the article purported to be a foreign product when not so, and for the further reason that it was offered for sale under the distinctive name of another article, namely, olive oil.

On March 25, 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.*

**24489. Adulteration of tomato pulp. U. S. v. 11,000 Cans of Tomato Pulp. Consent decree of condemnation. Product released under bond conditioned that decomposed portion be separated and destroyed.** (F. & D. no. 35034. Sample no. 25572-B.)

This case involved canned tomato pulp that contained excessive mold.

On or about February 2, 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 eleven thousand 5-gallon cans of tomato pulp at Blue Island, Ill., alleging that the article had been shipped in interstate commerce between the dates of October 14, 1934, and December 27, 1934, by the Frazier Packing Corporation, from Elwood, Ind., 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 vegetable substance.

On March 7, 1935, Libby, McNeill & Libby, 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 destroyed.

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

**24490. Adulteration of tomato catsup. U. S. v. 9 Cases, et al., of Tomato Catsup. Default decree of condemnation and destruction.** (F. & D. nos. 35243 to 35246, incl. Sample nos. 15326-B to 15329-B, incl.)

This case involved a shipment of tomato catsup that contained excessive mold and that was in a condition of active fermentation.

On March 9, 1935, the United States attorney for the District of Nevada, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 46 cases of tomato catsup at Las Vegas, Nev., alleging that the article had been shipped in interstate commerce in various lots between the dates of January 16 and January 19, 1935, by the Crown Products Corporation, from Los Angeles, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Ladys Choice Tomato Catsup \* \* \* Crown Products Corp., San Francisco, Los Angeles, Kansas City U. S. A."

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

On April 5, 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.*

**24491. Misbranding of canned peas. U. S. v. 11 Cartons of Canned Peas. Default decree of condemnation.** (F. & D. no. 35242. Sample no. 27213-B.)

This case involved a shipment of canned peas that fell below the standard promulgated by the Secretary of Agriculture, because of the presence of an excessive proportion of hard peas and which were not labeled to indicate that they were substandard.

On March 11, 1935, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the District of Columbia, holding a district court, a libel praying seizure and condemnation of 11 cartons of canned peas at Washington, D. C., alleging that the article had been shipped in interstate commerce on or about February 25, 1935, by C. F. Bonsor, from Philadelphia, Pa., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Mountain Pride Brand Sifted Sweet Wrinkled Peas. Distributed by The Mount Airy Canning Co. Mount Airy, Md."

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 because of the presence of an excessive number of hard peas, and its package or label did not bear a plain and conspicuous statement prescribed by regulation of this Department indicating that it fell below such standard.

On April 12, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be disposed of in such manner as would not violate the Federal Food and Drugs Act.

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

**24492. Adulteration of tomato catsup. U. S. v. 14 Cases of Tomato Catsup. Default decree of condemnation and destruction. (F. & D. no. 35254. Sample no. 27860-B.)**

This case involved a shipment of tomato catsup that contained excessive mold.

On or about March 12, 1935, the United States attorney for the Eastern District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 14 cases of tomato catsup at Little Rock, Ark., alleging that the article had been shipped in interstate commerce on or about October 15, 1934, by the Naas Corporation of Indiana, from Sunman, Ind., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Blue Mountain Brand Tomato Catsup \* \* \* Plunkett-Jarrell Grocer Co., Distributors, Little Rock, Ark."

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

On April 16, 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.*

**24493. Adulteration of apples. U. S. v. 40 Bushel Baskets of Apples. Default decree of condemnation and destruction. (F. & D. no. 35258. Sample no. 24158-B.)**

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

On February 19, 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 40 bushel baskets of apples at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce in various lots, on or about February 9, February 11, and February 13, 1935, by B. L. Heritage, from Sewell, N. J., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Rome Beauty B. L. Heritage, Sewell, N. J. Grower."

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 March 14, 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.*

**24494. Adulteration of apples. U. S. v. 852 Boxes of Apples. Product released under bond. (F. & D. no. 35259. Sample no. 360-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 February 18, 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 852 boxes