

leaves also appearing on the can, 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 chiefly of cottonseed oil packed in the United States. Misbranding was alleged for the further reason that the article purported to be a foreign product when not so. Misbranding was alleged with respect to a portion of the article for the further reason that it was offered for sale under the distinctive name of another article.

The Moosalina Products Corporation appeared as claimant for the property, admitted the allegations of the libels, and consented to the entry of a decree condemning and forfeiting the product. On May 1, 1934, the cases having been consolidated into one cause of action, judgment was entered ordering that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$200, conditioned that it be repacked so that it comply with the Federal Food and Drugs Act and all other laws.

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

22401. Adulteration of dried pears. U. S. v. 25 Boxes of Dried Pears. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31925. Sample no. 45454-A.)

This case involved a shipment of dried pears which were found to contain dirt, insect excreta, dead larvae, and work holes.

On January 31, 1934, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 25 boxes of dried pears at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about January 18, 1934, by Schwabacher Bros., of Outer Harbor, Oakland, Calif., from San Francisco, Calif. (manufacturer, Rosenberg Bros. & Co., San Francisco, Calif.), and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Madrona Brand Evaporated Choice Pears."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy vegetable substance.

On April 9, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

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

22402. Adulteration and misbranding of apple jelly. U. S. v. 400 Cases of Apple Jelly. Consent decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. no. 31954. Sample no. 46120-A.)

Analysis of the apple jelly involved in this case showed that it contained sodium benzoate and inactive malic acid, neither of which is a normal ingredient of apple jelly. Sample jars taken from the shipment were found to contain less than 10 ounces, the labeled weight.

On February 26, 1934, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed an amended libel, in lieu of the original libel theretofore filed, against 400 cases of apple jelly at Chicago, Ill. It was alleged in the amended libel that the said 400 cases of apple jelly had been shipped in interstate commerce, on or about January 9, 1934, by the National Fruit Co. (National Fruit Product Co., Inc.), of Washington, D. C., from Winchester, Va., and that it was adulterated and misbranded in violation of the Food and Drugs Act as amended. The article was labeled in part: (Jar) "Club House Brand Contents Ten Oz. Pure Apple Jelly Distributed by Franklin MacVeigh & Co., Chicago."

The amended libel charged that the article was adulterated in that a substance containing added sodium benzoate and inactive malic acid had been substituted for pure apple jelly.

Misbranding was alleged for the reason that the statements, "Contents Ten Oz." and "Pure Apple Jelly", borne on the label, were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect.

On April 30, 1934, the National Fruit Product Co., Inc., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was