22132. Adulteration of olives. U. S. v. 22 Cases of Olives. Default decree of forfeiture and destruction. (F. & D. no. 31869. Sample nos. 58111–A, 58113–A.)

This case involved a shipment of olives which were found to be in part wormy.

On January 22, 1934, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 22 cases of olives at Boston, Mass., alleging that the article had been shipped in interstate commerce, on or about November 4, 1933, by B. M. Reeves Co., Inc., from Brooklyn, N.Y., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Peerless Olives * * * Packed by Peerless Packing Co., Brooklyn, New York."

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 March 5, 1934, no claimant having appeared for the property, judgment of 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.*

22133. Adulteration and misbranding of candy. U. S. v. 19 Boxes and 19 Boxes of Candy. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31874. Sample nos. 65944–A, 65945–A.)

This case involved a shipment of candy which contained alcohol and which was also short weight.

On January 24, 1934, the United States attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 38 boxes of candy at Milwaukee, Wis., alleging that the article had been shipped in interstate commerce, on or about December 21, 1933, by Beer Distributors, Inc., from Chicago, Ill., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Bourbon [or "Assorted Flavors Creme De Menthe Peach Kummel"] One Pound Net."

It was alleged in the libel that the article was adulterated under the provisions of the law relating to confectionery, in that it contained spirituous liquor.

Misbranding was alleged under the provisions of the law relating to food in that the statement on the labels, "One Pound Net", was false and misleading, and deceived and misled the purchaser, and in that it 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 March 13, 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.*

22134. Adulteration of butter. U. S. v. 13 Cartons and 27 Prints of Butter. Default decree of condemnation. (F. & D. no. 31882. Sample no. 54554–A.)

This case involved a shipment of butter which was found to contain mold, rodent hairs, fragments of feathers, pieces of flies, and other filth.

On January 24, 1934, 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 13 cartons each containing thirty-two 1-pound prints and twenty-seven 1-pound prints of butter, at Washington, D.C., alleging that the article had been shipped in interstate commerce, on or about January 18, 1934, by F. M. Stamper Co., from Moberly, Mo., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted wholly or in part of a filthy and decomposed animal substance.

On March 22, 1934, no claimant having appeared for the property, judgment of condemnation was entered and it was ordered by the court that the product be disposed of by the United States marshal in such manner as would not violate the provisions of the Federal Food and Drugs Act.

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