

22142. Adulteration of olives. U. S. v. 7 Cases of Olives. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31965. Sample no. 66920-A.)

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

On February 9, 1934, 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 praying seizure and condemnation of seven cases of olives at Newark, N.J., alleging that the article had been shipped in interstate commerce, on or about December 27, 1933, by the San Jose Olive Co., Inc., from New York, N.Y., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Jar) "San Jose Spanish Olives * * * Packed by San Jose Olive Co., Inc., New York, N.Y."

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

On March 21, 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.*

22143. Misbranding of canned peaches. U. S. v. 39 Cases of Canned Peaches. Consent decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. no. 31972. Sample no. 66727-A.)

Sample cans of peaches taken from the shipments involved in this case were found to be short of the declared weight.

On February 20, 1934, the United States attorney for the District of Wyoming, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 39 cases of canned peaches at Casper, Wyo., alleging that the article had been shipped in interstate commerce from Oakland, Calif.; that a part had been shipped on or about August 29, 1933, by the California Packing Corporation; that the remainder had been shipped on or about January 2, 1934, by Libby, McNeill & Libby (invoiced by California Packing Corporation), and charging that the article was misbranded in violation of the Food and Drugs Act as amended. The article was labeled in part: "Our Family Yellow Cling Peaches Halves Contents One Lb Fourteen Ozs Distributed Nash Finch Co Minneapolis Minn."

It was alleged in the libel that the article was misbranded in that it was labeled so as to deceive and mislead the purchaser, since it was labeled in part, "One Lb Fourteen Ozs", whereas the cans contained less than 1 pound 14 ounces of peaches. Misbranding was alleged for the further reason that the article was in package form and the quantity of the contents was not plainly and correctly stated on the outside of the packages.

On March 2, 1934, the Wyoming Grocery Co., Casper, Wyo., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$100, conditioned that it be relabeled so as to comply with the law.

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

22144. Misbranding of salad oil. U. S. v. 19 Cans of Salad Oil. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31974. Sample no. 67406-A.)

This case involved a shipment of salad oil labeled to convey the impression that it was olive oil of foreign origin. Examination showed that it consisted chiefly of cottonseed oil, with some flavor of olive oil; also that the cans were short volume.

On February 13, 1934, 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 praying seizure and condemnation of 19 cans of salad oil at Newark, N.J., alleging that the article had been shipped in interstate commerce, on or about October 26, 1933, by Pietro Esposito & Bro., Inc., from New York, N.Y., and charging misbranding in violation of the Food and Drugs Act as amended.

It was alleged in the libel that the article was misbranded in that the statements, "La Gloriosa Brand", "Prize Awarded at Exhibition of Rome 1924", "Italy", "Olio Finissimo", the designs of a crown, olive branches and medal

carrying the Italian national colors, and the undue prominence given to the words "Lucca Olive Oil", in the statement, "Pure and Delicious Oil Composed of Eighty Five Percent Choice Salad Oil and Fifteen Percent Lucca Olive Oil", all of which appeared on the label of the product, were misleading and deceived and misled the purchaser, since the label created the impression that the article was Italian olive oil, whereas it consisted chiefly of domestic cottonseed oil. Misbranding was alleged for the further reason that the statement on the label, "One Gallon Net", was false and misleading and deceived and misled the purchaser; for the further reason that the article purported to be a foreign product when not so; and for the further reason 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 21, 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.*

22145. Adulteration of evaporated apples. U. S. v. 9¼ Cases and 30 Boxes of Evaporated Apples. Default decrees of destruction. (F. & D. nos. 31977, 31997. Sample nos. 49405-A, 49406-A.)

These cases involved shipments of evaporated apples, samples of which were found to be insect-infested, dirty, and decomposed.

On February 12 and February 19, 1934, the United States attorney for the Southern District of Georgia, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 9¼ cases and 30 boxes of evaporated apples at Savannah, Ga., alleging that the article had been shipped in interstate commerce on or about January 2, 1934, by the Gilbert Apple Products Co., Inc., of Rochester, N.Y., from Brighton, N.Y., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Bake-Rite * * * Evaporated Apples Packed by Gilbert Apple Products Co., Inc., Rochester, N.Y."

It was alleged in the libels that the article was adulterated in that a portion consisted in part of a filthy and decomposed vegetable substance, and the remainder consisted wholly or in part of a filthy vegetable substance.

On March 24, 1934, no claimant having appeared for the property, judgments were entered ordering that the product be destroyed by the United States marshal.

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

22146. Adulteration of candy. U. S. v. 19 Boxes of Candy. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31981. Sample no. 62083-A.)

This case involved a shipment of candies, certain of the pieces containing a penny embedded in the candy and completely concealed.

On February 13, 1934, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 19 boxes of candy at Baltimore, Md., alleging that the article had been shipped in interstate commerce, on or about January 28, 1934, by the Josephson Candy Co., Inc., from Long Island City, N.Y., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "120 Count Pocketbook."

It was alleged in the libel that the article was adulterated under the provisions of the law relating to confectionery, in that it contained an ingredient deleterious or detrimental to health, namely, a copper cent. Adulteration under the provisions of the law relating to food was alleged for the reason that the article contained an added deleterious ingredient, namely, a copper cent, which might have rendered it injurious to health.

On March 27, 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.*

22147. Adulteration of confectionery. U. S. v. 96 Boxes of Confectionery. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31983. Sample no. 59249-A.)

This case involved a shipment of confectionery which contained alcohol.

On February 14, 1934, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the