21913. Adulteration of canned apple butter. U. S. v. 118 Cases of Apple Butter. Default decree of destruction. (F. & D. no. 31558. Sample no. 50421-A.)

This case involved a shipment of apple butter that was found to contain insect larvae.

On or about November 13, 1933, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 118 cases of canned apple butter at Chillicothe, Ohio, alleging that the article had been shipped by the Webster Canning & Preserving Co., from Webster, N.Y., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Pure Apple Butter New York State Products Packed by Webster Canning & Preserving Co., Webster, N.Y."

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

On January 4, 1934, no claimant having appeared for the property, judgment was entered finding the product adulterated and ordering that it be destroyed by the United States marshal.

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

21914. Misbranding of table or cooking oil, and olive oil. U. S. v. Italian Food Products Corporation of America. Plea of guilty. Fine, $100. (F. & D. no. 30155. I. S. no. 42345. Sample nos. 8390-A, 8391-A, 14256-A, 14377-A, 14384-A, 14385-A, 14387-A, 14389-A, 34895-A.)

This case was based on various interstate shipments of cooking or table oil and one shipment of olive oil, which were found to be short of the declared volume.

On September 27, 1933, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Italian Food Products Corporation of America, Trenton, N.J., alleging shipment by said company in violation of the Food and Drugs Act as amended, between the dates of June 1, 1931, and February 6, 1933, from the State of New Jersey into the States of Pennsylvania and Maryland and the District of Columbia, of quantities of table or cooking oil and of a quantity of olive oil, which products were misbranded. The table or cooking oil was labeled in part: "Olio Doppia Stella * * * Double Star Brand * * * Net Contents One Gallon * * * Packed by F. Rizzo Di Cavalcante Trenton, N.J." The olive oil was labeled in part: "Net Contents One Quart, Pure Olive Oil Alpino Brand * * * Packed by F. R. Di Cavalcante."

It was alleged in the information that the articles were misbranded in that the statement "Net Contents One Gallon", with respect to the table or cooking oil, and the statement "Net Contents One Quart", with respect to the olive oil, were false and misleading, and for the further reason that the articles were labeled so as to deceive and mislead the purchaser, since the cans contained less than labeled. Misbranding was alleged for the further reason that the articles were food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages, since the statements made were incorrect.

On February 9, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of $100.

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

21915. Adulteration and misbranding of grapefruit juice. U. S. v. 200 Cases of Grapefruit Juice. Decree of condemnation. Product released under bond to be relabeled. (F. & D. no. 31990. Sample no. 38453-A.)

This case involved a shipment of grapefruit juice that contained added sugar and water.

On February 14, 1934, 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 200 cases of grapefruit juice at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about December 30, 1933, by H. A. Shaver, Inc., from Lakeland, Fla., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Can) "Heart of Florida Brand Fancy Florida Grapefruit Juice * * * Packed by Orlando Canning Co. Inc. Orlando Florida."