

On June 9, 1933, 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 28 cases of macaroni at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about April 27 and May 8, 1933, by the Ronzoni Macaroni Co., Inc., from Long Island City, N.Y., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Ronzoni Pasta Alimentaire * * * Net Weight Fifteen Ounces. Ronzoni Macaroni Co., Inc., Long Island City, N.Y."

It was alleged in the libel that the article was misbranded in that the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On July 5, 1933, 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.*

21336. Adulteration of butter. U. S. v. 12 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. no. 30705. Sample no. 40628-A.)

This case involved a shipment of butter that contained less than 80 percent by weight of milk fat, the standard for butter established by Congress.

On June 16, 1933, 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 12 tubs of butter at Chicago, Ill., alleging that the article had been shipped in interstate commerce on June 6, 1933, by the A. F. Schultz Creamery Co., from Antigo, Wis., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as provided by the act of March 4, 1923.

On June 20, 1933, the Peter Fox Sons Co., Chicago, Ill., 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 ordered by the court that the product be released to the said claimant to be reworked, upon payment of costs and the execution of a bond in the sum of \$500, conditioned that it should not be sold or otherwise disposed of in violation of the Federal Food and Drugs Act and all other laws.

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

21337. Misbranding of olive oil. U. S. v. 24 Cases and 5 Cases of Olive Oil. Decree of condemnation and forfeiture. Product released under bond. (F. & D. no. 30666. Sample no. 39757-A, 39758-A.)

This case involved a shipment of olive oil, sample cans of which were found to contain less than the volume declared on the label.

On June 26, 1933, 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 29 cases of olive oil at Boston, Mass., alleging that the article had been shipped in interstate commerce on or about May 29, 1933, by M. Thomas Marcello, from Providence, R.I., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Cans) "One Gallon [or "One Half Gallon"] Liguria Brand Pure Olive Oil Liguria Olive Oil Company."

It was alleged in the libel that the article was misbranded in that the statements, "One Gallon" and "One Half Gallon", borne on the labels, 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 packages, since the statement made was incorrect.

On July 6, 1933, M. Thomas Marcello, Cranston, R.I., having appeared as claimant for the property and having admitted the allegations of the libel, 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 deposit of a cash bond in the sum of \$100, conditioned that the product should not be sold or disposed of contrary to the provisions of the Federal Food

and Drugs Act. It was further ordered that the oil be removed from the original containers and that the cases and cans be destroyed.

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

21338. Misbranding of olive oil. U. S. v. 37 Cans of Olive Oil. Decree of condemnation and destruction. (F. & D. no. 30641. Sample no. 32030-A.)

This case involved a shipment of olive oil, sample cans of which were found to contain less than the volume declared on the label, 1 gallon.

On or about June 19, 1933, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 37 cans of olive oil at New Haven, Conn., alleging that the article had been shipped in interstate commerce on or about June 8, 1933, by the International Importing Co., Inc., from Providence, R.I., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Net Contents One Gallon The Prime Rose Pure Virgin Olive Oil * * * The International Importing Co., Inc., Providence, R.I."

It was alleged in the libel that the article was misbranded in that the statement on the label, "Net Contents One Gallon", was 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 July 18, 1933, 11 cans of the product having been seized and no claim or answer having been filed, judgment of condemnation 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.*

21339. Misbranding of canned pears. U. S. v. 300 Cases of Canned Pears. Decree of condemnation. Product released under bond to be relabeled. (F. & D. no. 30601. Sample no. 37223-A.)

This case involved a shipment of canned pears which fell below the standard established by this Department and which were not labeled to indicate that they were substandard. Sample cans taken from the shipment were found to contain less than the declared weight.

On June 15, 1933, 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 300 cases of canned pears at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about May 20, 1933, by Ray-Maling (Ray-Maling Co., Inc.), from Portland, Oreg., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Britewest Brand Bartlett Pears Net Weight 1 Lb. 14 Ozs. Select Northwest Fruits Washington Cannery Co-Operative Vancouver Washington."

It was alleged in the libel that the article was misbranded in that the statement on the label, "One Lb. Fourteen Ozs.", was false and misleading and deceived and misled the purchaser and for the further reason that the article was 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. Misbranding was alleged for the further reason that the article fell below the standard of quality and condition promulgated by the Secretary of Agriculture for such canned food, because of excessive trimmings, nonuniformity of size, and small size, and because the liquid portion of the finished product read less than 13° Brix, 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 July 17, 1933, the Washington Cannery Cooperative having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation was entered, and it was ordered by the court that the product be released to the claimant upon the execution of a good and sufficient bond, conditioned that it be relabeled under the supervision of this Department and that the claimant pay the costs of the proceedings.

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