

23910. Misbranding of olive oil. U. S. v. 120 Tins of Olive Oil. Default decree of condemnation and forfeiture. Product delivered to a public institution. (F. & D. no. 33124. Sample no. 664-B.)

Sample cans of olive oil taken from the shipment involved in this case were found to contain less than 1 gallon, the volume declared on the label.

On July 26, 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 120 tins of olive oil at Tacoma, Wash., alleging that the article had been shipped in interstate commerce on or about June 28, 1934, by the Fair Oaks Fruit Co., from Fair Oaks, Calif., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Net Contents One Gallon San Juan Brand Pure Olive Oil, Fair Oaks, Fruit Co., Fair Oaks, Calif."

The article was alleged to be misbranded in that the statement on the label, "Net Contents One Gallon", was false and misleading and tended to deceive and mislead 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 December 24, 1934, no claimant having appeared, judgment of condemnation and forfeiture was entered and it was ordered that the product be delivered to a public institution.

M. L. WILSON, Acting Secretary of Agriculture.

23911. Adulteration of gaffelbiter (fish). U. S. v. 19 Cases of Imported Gaffelbiter. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 33134. Sample no. 2604-B.)

This case involved a shipment of gaffelbiter (fish) that were found to be decomposed due to secondary fermentation.

On July 28, 1934, 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 19 cases, each containing 12 jars of gaffelbiter, at Chicago, Ill., alleging that the article had been shipped in interstate commerce, on or about May 21, 1934, by Joannes Bros. Co., from Green Bay, Wis., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Hanson's Imported Gaffelbiter 5-Oz.-Hanson Fish Products Co. Duluth, Minn."

The article was alleged to be adulterated in that it consisted wholly or in part of a decomposed animal substance.

On September 26, 1934, no claimant having appeared, judgment of condemnation and forfeiture was entered and destruction of the product was ordered.

M. L. WILSON, Acting Secretary of Agriculture.

23912. Adulteration of canned sardines. U. S. v. 6½ Cases of Canned Sardines. Default decree of condemnation and destruction. (F. & D. no. 33135. Sample no. 6106-B.)

This case involved a shipment of canned sardines which were found to be underprocessed and decomposed.

On July 31, 1934, the United States attorney for the Middle District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 6½ cases of canned sardines at Ocilla, Ga., alleging that the article had been shipped in interstate commerce on or about September 2, 1933, by the Wass & Stinson Canning Co., from Waukegan, Maine, and charging adulteration in violation of the Food and Drugs Act.

The article was labeled in part: "Beach Cliff Brand Maine Sardines * * * Packed by Wass & Stinson Canning Co. Prospect Harbor, Maine."

The article was alleged to be adulterated in that it consisted wholly or in part of a decomposed animal substance.

On November 17, 1934, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, Acting Secretary of Agriculture.

23913. Misbranding of alfalfa leaf meal. U. S. v. 225 Bags of Alfalfa Leaf Meal. Decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. no. 33136. Sample no. 8326-B.)

This case involved a shipment of alfalfa leaf meal that contained less protein and more fiber than declared on the label. The article was also falsely labeled as to the name of the manufacturer.

On July 27, 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 225 bags of alfalfa leaf meal at Derwood, Md., alleging that the article had been shipped in interstate commerce, on or about January 13, 1934, by the Urbana Mills Co., from Williamston, Mich., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Tag) "'Greenleaf' Alfalfa Leaf Meal * * * The Urbana Mills Company, Urbana, Ohio, Guaranteed Analysis Crude Protein, not less than 20.0 Per Cent * * * Crude Fibre, not more than 18.0 Per Cent."

The article was alleged to be misbranded in that the statements on the label, "Crude Protein, not less than 20.0 Per Cent", "Crude Fibre, not more than 18.0 Per Cent", "The Urbana Mills Company, Urbana, Ohio", were false and misleading, and tended to deceive and mislead the purchaser, since it contained less protein and more crude fiber than declared on the label, and since it was not manufactured by the Urbana Mills Co.

On August 20, 1934, the Urbana Mills Co., Urbana, Ohio, having appeared as claimant, judgment of condemnation and forfeiture was entered and it was ordered by the court that the product be released to the claimant for relabeling, upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned that it not be disposed of contrary to the provisions of the Food and Drugs Act and all other laws.

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

23914. Misbranding of peanut butter. U. S. v. 21½ Dozen Jars of Peanut Butter. Consent decree of condemnation. Product distributed to charitable institutions. (F. & D. no. 33173. Sample no. 6575-B.)

Sample jars of peanut butter taken from the shipment involved in this case were found to contain less than 1 pound, the weight declared on the label.

On or about August 8, 1934, 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 21½ dozen jars of peanut butter at New Haven, Conn., alleging that the article had been shipped in interstate commerce, on or about June 20, 1934, by Holsum Products, Inc., from Brooklyn, N. Y., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Columbus Brand Peanut Butter Net Weight 1 Lb. Distributed by Shepatin & Snyder, New Haven, Conn."

The article was alleged to be misbranded in that the statement on the label, "Net Weight 1 Lb.", was false and misleading and tended to deceive and mislead the purchaser; 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 August 28, 1934, Holsum Products, Inc., having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be delivered to charitable institutions, in view of the fact that it was fit for human consumption, and that the containers be destroyed.

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

23915. Misbranding of canned tuna flakes. U. S. v. Miscellaneous Lots of Canned Tuna Flakes. Product released under bond to be re-labeled. (F. & D. nos. 33167 to 33170, incl. Sample no. 63234-A.)

This case involved a product which was labeled to convey the impression that it was solid-pack tuna, but which was found to consist of so-called scrap meat or tuna flakes.

On August 4, 1934, the United States attorney for the Northern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 197 cases of canned tuna flakes, in part at Albany, N. Y., and in part at Schenectady, N. Y., alleging that the article had been shipped in interstate commerce on or about June 30, 1934, by the Halfhill Co., Ltd., from Los Angeles, Calif., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Better-Than-Chicken Brand Fancy White Tuna [vignette showing contents of a can of solid-pack tuna] Packed in Japan * * * For Halfhill Packing Corporation, Inc., Long Beach, California."