

13227. Adulteration and misbranding of olive oil. U. S. v. 7 Packages of Olive Oil. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 15124. I. S. No. 13751-t. S. No. C-3110.)

On July 6, 1921, the United States attorney for the Eastern District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 7 packages of olive oil, remaining unsold in the original packages at Jackson, Mich., consigned by the Italy Commercial Co., New York, N. Y., alleging that the article had been shipped from New York, N. Y., May 14, 1921, and transported from the State of New York into the State of Michigan, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Can) "Lucca Brand Lucca Olio Sopraffino D'oliva 1 Gallon Net."

Adulteration of the article was alleged in the libel for the reason that cottonseed oil had been mixed and packed with and substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statement on the label "Lucca Brand Lucca Olio Sopraffino D'oliva 1 Gallon Net" was false and misleading and deceived and misled the purchaser, for the further reason that it was an imitation of and was offered for sale under the distinctive name of another article, 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.

On February 3, 1925, 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.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13228. Adulteration of canned salmon. U. S. v. 200 Cases of Canned Salmon. Decree entered, providing for release of product under bond or for its condemnation and destruction. (F. & D. No. 16080. I. S. No. 931-t. S. No. C-3499.)

On or about November 22, 1921, the United States attorney for the Northern District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 200 cases of canned salmon, remaining in the original unbroken packages at Athens, Ala., alleging that the article had been shipped by W. R. Beatty Co., from Vancouver, B. C., Canada, on or about October 1, 1921, into the State of Tennessee, and that it had been reshipped by S. H. Sawrie & Son, from Nashville, Tenn., on or about October 22, 1921, into the State of Alabama, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Kay Square Brand Select Pink Salmon Inspected Kenai Packing Co., Seattle, Wash."

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of a filthy, decomposed, and putrid animal substance.

On April 2, 1925, the W. R. Beatty Co., Vancouver, B. C., Canada, and S. H. Sawrie & Son, Nashville, Tenn., having appeared as claimants for the property and it having appeared to the court that the product was adulterated but that the claimants might desire to take it down under bond to be recanned and repacked, a judgment of the court was entered, providing that the said product might be released to the claimants upon the execution of a bond in the sum of \$2,000, or upon failure by the said claimants to appear and execute such bond within 30 days from the entry of the decree that it be condemned and destroyed by the United States marshal and that the claimants pay the costs of the proceedings.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13229. Adulteration and misbranding of tomato sauce. U. S. v. 200 Cases and 400 Cases of Tomato Sauce. Consent decrees of condemnation and forfeiture. Product released to claimant. (F. & D. No. 19434. I. S. Nos. 17105-v, 17106-v. S. No. E-5062.)

On December 24, 1924, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 600 cases of tomato sauce, remaining in the original unbroken packages at Philadelphia, Pa., consigned by the Hershel California Fruit Products Co., of San Jose and San Francisco, Calif., alleging that the article had been shipped from San Jose, Calif., on or about September 30,

1924, and transported from the State of California into the State of Pennsylvania, and charging adulteration and misbranding in violation of the food and drugs act. A portion of the article was labeled in part: (Can) "Tomato Sauce Salsa Di Pomodoro Vittorio Emmanuele Brand" (cut of tomatoes). The remainder of the said article was labeled in part: (Can) "Naples Style Tomato Sauce Salsa Di Pomodoro Contadina Brand With Basil * * * Tomato Sauce * * * Packed By Hershel Cal. Fruit Prod. Co. San Jose, Cal." (cut of ripe red tomatoes and field of tomatoes).

Adulteration of the article was alleged in the libels for the reason that a substance, to wit, artificially-colored tomato paste, or sauce, had been substituted in whole or in part for the said article.

Misbranding was alleged in substance for the reason that the packages enclosing the article contained labels bearing certain statements, designs, and devices regarding the article and the ingredients and substances contained therein which were false and misleading, in that they represented that the article was tomato sauce, whereas it was composed of tomato sauce and artificially-colored tomato paste, or sauce.

On April 2, 1925, Giacomo Foti, Philadelphia, Pa., having appeared as claimant for the property and having consented to the entry of decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the claimant upon payment of the costs of the proceedings.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13230. Adulteration and misbranding of rice. U. S. v. 543 Bags of Rice. Tried to the court and a jury. Verdict for the Government. Product released under bond. (F. & D. No. 19045. I. S. No. 3553-v. S. No. E-4972.)

On October 4, 1924, the United States attorney for the District of Porto Rico, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 543 bags of rice, at San Juan, P. R., alleging that the article had been shipped by J. W. Berengher, New Orleans, La., on or about November 19, 1923, and transported from the State of Louisiana into the Territory of Porto Rico, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Rice 100 Lbs. Net When Packed."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, putrid, or decomposed vegetable substance.

Misbranding was alleged for the reason that the label bore the statement "100 Lbs. Net When Packed," which was false and misleading and deceived and misled 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 not correct.

On November 26, 1924, J. W. Berengher, New Orleans, La., having appeared as claimant for the property, the case came on for trial before the court and a jury, and a verdict for the Government was returned. On January 5, 1925, the claimant having failed to take the product down under bond as provided in the court order dated December 10, 1924, a decree of condemnation and forfeiture was entered, and it was ordered by the court that the product be sold. On January 31, 1925, the proceedings for the said sale having been stayed by agreement, and the claimant having tendered a bond in the sum of \$3,000, it was ordered by the court that the said product be released to the claimant upon payment of costs, conditioned that the product not be used for human consumption.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13231. Adulteration and misbranding of nitroglycerin tablets and codeine sulphate tablets. U. S. v. Burrough Bros. Mfg. Co. Plea of guilty. Fine, \$100 and costs. (F. & D. No. 19312. I. S. Nos. 5257-v, 17835-v, 17836-v, 17840-v, 18661-v, 19439-v.)

On March 14, 1925, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Burrough Bros. Mfg. Co., a corporation, trading at Baltimore, Md., alleging shipment by said company, in various consignments, namely, on or about November 7, 1923, and May 14, 1924, respectively, from the State of Maryland into the State of Mis-