

On June 5, 1913, the said J. G. Hagemeyer & Co., claimant, having admitted the allegations in the libels and consenting to decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the products should be surrendered and delivered to said claimant upon payment of the costs of proceedings and the execution of bond in the sum of \$3,000, in conformity with section 10 of the act.

B. T. GALLOWAY, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *May 21, 1914.*

3113. Adulteration and misbranding of canned peas. U. S. v. 735 Cases of Canned Peas. Default decree of condemnation, forfeiture, and destruction. (F. & D. Nos. 5234, 5235, 5236. S. No. 1825.)

On May 26 and 27, 1913, the United States Attorney for the Southern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 735 cases of canned peas remaining unsold in the original unbroken packages, 200 cases in the possession of J. T. Bothwell Grocer Co., 435 cases in possession of F. W. Coffin, and 100 cases in the possession of Frank Coffin, all of Augusta, Ga., alleging that the product had been shipped on or about March 24 and April 2, 1913, by S. H. Levin's Sons, Philadelphia, Pa., and transported from the State of Pennsylvania into the State of Georgia, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled: (On cases) "2 dozen No. 2 cans Celtic Brand Peas packed from dried green peas by Alonzo Jones, Leipsic, Del." (On cans) "Celtic Brand Peas packed from dried green peas Celtic Brand, Alonzo Jones, Packer, Leipsic, Del. Contents: Peas, salt, sugar, and water." Each of said cans also bore a picture of fresh peas.

Adulteration of the product was alleged in the libels for the reason that each of the cans of peas contained peas abnormal in odor and taste, and contained bacteria, said peas consisting wholly or in part of a decomposing vegetable substance, and were unfit for food purposes. Misbranding was alleged for the reason that the labels on the cans of peas with the pictures of fresh peas in pods conveyed the impression that the contents of the cans were fresh green peas, and there was nothing appearing plainly and conspicuously upon the labels to correct said false impression and to show that the peas were not fresh or to show that they were sour.

On October 24, 1913, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

B. T. GALLOWAY, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *May 21, 1914.*

3114. Adulteration of canned salmon. U. S. v. 75 Cases of Canned Salmon. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5237. S. No. 1826.)

On May 26, 1913, the United States Attorney for the Western District of Kentucky, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel, and on May 27, 1913, an amended libel, for the seizure and condemnation of 75 cases of canned salmon, remaining unsold in the original unbroken packages and in possession of the National Grocer Co., Louisville, Ky., alleging that the product had been shipped on December 11, 1912, by the Merchants National Grocer Co., St. Louis, Mo., and transported from the State of Missouri into the State of Kentucky, and charging adulteration in violation of the Food and Drugs Act. It was alleged in the amended libel that of the 150 cases of canned salmon

described in the first paragraph of the original libel there remained on hand in the city of Louisville in the original unbroken packages 119 cases and 19 cans of canned salmon, instead of 75 cases, as alleged in the libel of information. The product was labeled: (On cases) "4 Doz. Talls Archer Brand. Alaska Salmon. Packed for A. B. Field & Co. Inc. Agents San Francisco" "The National Gro. Co. Louisville, Ky." (On cans) "Archer Brand Alaska Salmon. Red. A. B. Field and Co. Inc. Distributors San Francisco."

Adulteration of the product was alleged in the libel for the reason that the contents of each of the cans consisted in part of a filthy and decomposed animal substance.

On September 2, 1913, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

B. T. GALLOWAY, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *May 21, 1914.*

3115. Misbranding of olive oil. U. S. v. 4 Cases of Olive Oil. Consent decree of condemnation and forfeiture. (F. & D. No. 5239. S. No. 1828.)

On May 28, 1913, the United States Attorney for the Northern District of West Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 4 cases of so-called olive oil, remaining unsold in the original packages and in possession of A. Salvatori, Wheeling, W. Va., alleging that the product had been shipped on March 17, 1913, by Lange Bros., New York, N. Y., and transported from the State of New York into the State of West Virginia, and charging misbranding in violation of the Food and Drugs Act. The product was labeled: "Muratori and Marante Lucca Italia Olio Finissimo D'Oliiva Vergine Marca Registrata." "Lange Bros., New York, soli distributori per Gli Stati Uniti di America, Messico and Canada." "The original contents of this can constitute a blend, Blended & Canned in New York, U. S. A. Guaranteed under the National Pure Food Law Lange Bros. 70 Gansevort St., New York."

Misbranding of the product was alleged in the libel for the reason that the retail packages were labeled and branded as a foreign product, when in fact they were not a foreign product, and, further, the packages were misbranded in that the labels thereon represented the contents of the packages to be olive oil, when in fact the contents were not olive oil, but were a mixture of olive oil and cottonseed oil. Misbranding was alleged for the further reason that there was no statement on the label or brand showing that the contents of the packages were blends, when, in truth and in fact, the contents of the packages were compounds, imitations, and blends.¹

On August 13, 1913, the said Lange Bros., Inc., claimant, having petitioned the court for the release of the product, judgment of condemnation and forfeiture having theretofore been entered, it was ordered that the product should be delivered to said claimant, the costs of the proceedings having been paid and a good and sufficient bond having been executed in conformity with section 10 of the act.

B. T. GALLOWAY, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *May 21, 1914.*

3116. Adulteration and misbranding of evaporated milk. U. S. v. 21 Cases of Evaporated Milk. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5240. S. No. 1824.)

On May 28, 1913, the United States Attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the

¹ See note on page 414.