

**13515. Adulteration of canned salmon. U. S. v. 8 Cases of Salmon. Decree of condemnation and forfeiture. Product delivered to fish hatcheries for fish food. (F. & D. No. 17827. I. S. No. 12056-v. S. No. W-1419.)**

On September 14, 1923, the United States attorney for the Western District of Washington, 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 8 cases of salmon, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the Stuart Packing Corp., from Ketchikan, Alaska, July 21, 1923, and transported from the Territory of Alaska into the State of Washington, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Nemo Pink Salmon Packed By Stuart Packing Corp. \* \* \* Seattle."

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

On October 22, 1923, the Stuart Packing Corp., Seattle, Wash., claimant, 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 delivered to the State hatcheries to be used as fish food.

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

**13516. Adulteration and misbranding of coffee. U. S. v. 100 Pounds of Coffee. Default decree of condemnation and forfeiture. Product ordered delivered to charitable institution or destroyed. (F. & D. No. 19887. I. S. No. 16380-v. S. No. E-5166.)**

On March 11, 1925, 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 a libel praying the seizure and condemnation of 100 pounds of coffee, remaining in the original unbroken packages at Macon, Ga., alleging that the article had been shipped by the Private Estate Coffee Co., from New York, N. Y., on or about February 18, 1925, and transported from the State of New York into the State of Georgia, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Fibre case) "From Private Estate Coffee Company, New York." The bags containing the article had the statement "16 oz. Net" stamped on the bottom thereof and the statement in very small inconspicuous type "Coffee & Chicory."

Adulteration of the article was alleged in the libel for the reason that substances, cereal and chicory, had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength and had been substituted wholly and in part for the said article.

Misbranding was alleged for the reason that the designation "Coffee & Chicory," borne on the bags containing the article, was false and misleading and deceived and misled the purchaser, for the further reason that the article 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 June 25, 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 delivered to a charitable institution if found not deleterious to health, or if such fact could not be established that it be destroyed by the United States marshal.

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

**13517. Adulteration and misbranding of scallops. U. S. v. Sidney F. Smith and Laura Smith (S. F. Smith Co.). Pleas of guilty. Fine, \$100. (F. & D. No. 19246. I. S. No. 12895-v.)**

On March 21, 1925, the United States attorney for the Eastern District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Sidney F. Smith and Laura Smith, copartners, trading as S. F. Smith Co., Oyster, Va., alleging shipment by said defendants from Cheriton, Va., in violation of the food and drugs act, on or about March 20, 1924, from the State of Virginia into the State of New York, of a quantity of scallops which were adulterated and misbranded.

Examination of a sample of the article by the Bureau of Chemistry of this department showed that it contained added water.

Adulteration of the article was alleged in the information for the reason that a substance, to wit, water, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and had been substituted in part for scallops, which the said article purported to be. Adulteration was alleged for the further reason that a valuable constituent of the article, scallop solids, had been in part abstracted therefrom.

Misbranding was alleged for the reason that the article was a product composed in part of water and was offered for sale and sold under the distinctive name of another article, to wit, scallops.

On May 15, 1925, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$100.

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

**13518. Adulteration and misbranding of olive oil. U. S. v. Nicholas Sadaka. Plea of guilty. Fine, \$10. (F. & D. No. 16838. I. S. Nos. 5535-t, 5536-t, 5537-t.)**

On March 12, 1923, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Nicholas Sadaka, New York, N. Y., alleging shipment by said defendant, in violation of the food and drugs act as amended, on or about August 25, 1921, from the State of New York into the State of Massachusetts, of quantities of olive oil which was adulterated and misbranded. One article was labeled in part: "Puritana Brand Virgin Olive Oil Lucca Toscana Contents 1 Gallon." The other article was labeled in part: "Finest Quality Table Oil Termini Imerese Type Net Contents One Gallon Cottonseed Salad Oil Slightly Flavored With Olive Oil."

Analyses of samples of each article by the Bureau of Chemistry of this department showed that they consisted chiefly, if not entirely, of cottonseed oil. Examination of 16 cans of the Puritana brand oil and 22 cans of the table oil showed an average of .807 gallon and .797 gallon, respectively.

Adulteration was alleged in the information with respect to the Puritana brand oil for the reason that cottonseed oil had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and strength and had been substituted in large part for olive oil which the article purported to be. Adulteration was alleged with respect to the table oil for the reason that cottonseed oil had been substituted in whole or in part for olive oil, which the said article purported to be.

Misbranding was alleged for the reason that the statements, to wit, "Finest Quality Table Oil Termini Imerese Type" and "Net Contents One Gallon," together with the design and device of an olive tree with natives gathering olives, with respect to one product, and the statements, to wit, "Olive Oil," "Lucca" and "Contents 1 Gallon," together with the design and device of an olive branch and the map of Italy, with respect to the other, borne on the labels of the cans containing the article, were false and misleading, in that the said statements and designs represented that the articles were olive oil, that each of the said cans contained 1 gallon of the article, and that one article was a foreign product produced in Lucca, Italy, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that they were olive oil, that each of the said cans contained 1 gallon thereof, and that one article was a foreign product produced in Lucca, Italy, whereas it was not olive oil but was a mixture composed in large part of cottonseed oil, each of said cans did not contain 1 gallon of the article but did contain a less amount, and it was not a foreign product but was a domestic product produced in the United States of America. Misbranding was alleged with respect to the said Puritana brand oil for the further reason that it was a mixture composed in large part of cottonseed oil prepared in imitation of and offered for sale and sold under the distinctive name of another article, to wit, olive oil, for the further reason that it was falsely branded as to the country in which it was produced, and for the further reason that the statements, designs, and devices borne on the cans purported the article to be a foreign product when not so. Misbranding was alleged with respect to both of the