

On February 5, 1929, 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.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16309. Adulteration of pecan halves. U. S. v. 8 Barrels of Pecan Halves. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 23212. I. S. No. 03616. S. No. 1317.)

On November 28, 1928, 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 a libel praying seizure and condemnation of 8 barrels of pecan halves, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the G. A. Duerler Mfg. Co., from San Antonio, Tex., on or about June 1, 1927, and transported from the State of Texas into the State of New York, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy and decomposed vegetable substance.

On February 6, 1929, Claude H. Jones (Inc.), New York, N. Y., 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 upon payment of costs and the execution of a bond in the sum of \$600, conditioned in part that the good portion be separated from the bad portion and the latter destroyed or denatured.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16310. Adulteration and misbranding of canned crushed raspberries and canned raspberries. U. S. v. 18 Cases of Crushed Raspberries, et al. Decree of condemnation and forfeiture. Product released upon deposit of collateral. (F. & D. No. 23553. I. S. Nos. 02520, 02521. S. No. 1329.)

On March 22, 1929, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 18 cases, each containing 6 tins of crushed raspberries, and 12 cases, each containing 6 tins of raspberries, remaining in the original unbroken packages at Boston, Mass., consigned about October 12, 1928, alleging that the article had been shipped by the Hood River Canning Co., Hood River, Oreg., and transported from the State of Oregon into the State of Massachusetts, and charging adulteration and misbranding in violation of the food and drugs act as amended.

It was alleged in the libel that the article was adulterated in that a substance containing added sugar and benzoate of soda, mixed and colored in a manner whereby damage or inferiority was concealed, had been substituted wholly or in part for the said article and had been mixed and packed with it so as to reduce, lower, or injuriously affect its quality or strength.

Misbranding was alleged for the reason that the statements "Crushed Raspberries," regarding the crushed raspberry lot, and "Raspberries," regarding the raspberry lot, were false and misleading and deceived and misled the purchaser. Misbranding was alleged 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 not correct, and for the further reason that it was offered for sale under the distinctive name of another article.

On April 9, 1929, the Hood River Canning Co., Hood River, Oreg., 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 said claimant upon payment of costs and the deposit of collateral in the sum of \$300 in lieu of bond, conditioned in part that it be relabeled under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16311. Misbranding of butter. U. S. v. 135 Prints of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 23597. I. S. No. 07716. S. No. 1687.)

On or about February 20, 1929, 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 seizure and condemnation of 135 prints of butter at Centralia, Wash., alleging that the article had been shipped by Swift & Co., Portland, Oreg., and had been transported from the State of Oregon into the State of Washington, arriving at Centralia in part on or about February 5, and in part on or about February 8, 1929, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Thrift Quality Butter Best Creamery * * * Oregon Creamery, No. 138, One Pound."

It was alleged in the libel that the article was misbranded in that it was labeled in part, "One Pound," which label was false and misleading, since the package contained less than the declared quantity of butter. 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 quantity stated on the package was not correct.

On February 25, 1929, Swift & Co., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment was entered finding the product misbranded in that a portion thereof was underweight, and it was ordered by the court that the said product be condemned and forfeited. It was further ordered by the court that the said product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$125, conditioned in part that it be repacked under the supervision of this department so as to conform with the Federal food and drugs act.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16312. Adulteration and misbranding of salad oil and misbranding of olive oil. U. S. v. A. Gash & Co. (Inc.). Plea of guilty. Fine, \$200. (F. & D. No. 23704. I. S. Nos. 16772-x, 21205-x, 21467-x, 21469-x, 21522-x.)

On March 5, 1929, 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 A. Gash & Co. (Inc.), a corporation, New York, N. Y., alleging shipment by said company, in violation of the food and drugs act as amended, in various consignments, on or about December 16, 1926, April 5, 1927, and May 21, 1927, from the State of New York into the State of Connecticut, of quantities of salad oil which was adulterated and misbranded, and on or about October 4, 1927, and November 9, 1927, from the State of New York into the State of Pennsylvania, of quantities of olive oil which was misbranded. The salad oil was labeled in part: (Can) "Messina Brand Extra Fine Oil for Salads, Cooking, and Mayonnaise. Net Contents 98% of a Gallon or 7½ Lb. Net. Made in U. S. A. 1922 Messina Brand Oil is a High Grade Golden Corn Oil Made From The Kernel Of American Corn." The olive oil was labeled in part: (Can) "Italian Product Virgin Olive Oil Agash Brand Italy Net Contents One Full Gallon * * * A. Gash Importer & Packer Oneglia, Italy. N. Y., U. S. A."

Adulteration was alleged in the information with respect to the salad oil for the reason that a substance, to wit, cottonseed oil, had been mixed and packed with it so as to lower and reduce and injuriously affect its quality and strength, and had been substituted in part for corn oil which the said article purported to be.

Misbranding of the said salad oil was alleged for the reason that the statements, to wit, "High grade golden corn oil, made from the kernel of American Corn" and "Net Contents 98% of a Gallon or 7½ Lb. Net," borne on the label attached to the cans containing the article, were false and misleading in that the said statements represented that the article consisted wholly of corn oil and that each of the cans contained 98 per cent of a gallon, or 7½ pounds net of the article, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it consisted wholly of corn oil and that each of the said cans contained 98 per cent of a gallon or 7½ pounds net of the article, whereas it did not consist wholly of corn oil, but did consist in part of cottonseed oil, and each of said cans did not contain 98 per cent of a gallon, or 7½ pounds net of the article, but did contain a less amount. Misbranding of the salad oil was alleged for the further reason that it was an imitation of corn oil and was offered for sale under the distinctive name of another article, to wit, corn oil. Misbranding of the said salad oil was alleged for the further reason that the statements, to wit, "Messina Brand Extra Fine Oil," in prominent letters not cor-