

17362. Adulteration and misbranding of jellies. U. S. v. 2 Cases of Raspberry Pectin Jelly, et al. Default decree of condemnation and forfeiture. Product ordered destroyed or delivered to charitable institution. (F. & D. No. 24692. I. S. No. 019247. S. No. 3010.)

On March 28, 1930, the United States attorney for the District of Oregon, 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 cases of various jellies, remaining in the original unbroken packages at Portland, Oreg., alleging that the articles had been shipped by C. R. Merrifield & Co., from Seattle, Wash., in two lots on or about October 12 and 16, 1930 (1929), and transported from the State of Washington into the State of Oregon, and charging adulteration and misbranding in violation of the food and drugs act. The articles were labeled in part: "Merrifield's Raspberry [or "Strawberry" or "Loganberry" or "Blackberry"] Pectin Jelly Acid Added * * * C. R. Merrifield & Co., Seattle, Wash."

It was alleged in the libel that the articles were adulterated in that imitation jellies had been mixed and packed with the said articles, and had been substituted in whole or in part for raspberry pectin jelly, strawberry pectin jelly, loganberry pectin jelly, and blackberry pectin jelly. Adulteration was alleged with respect to the raspberry and strawberry flavored jellies for the further reason that they were colored in a manner whereby inferiority was concealed.

Misbranding was alleged for the reason that the designations, "Raspberry Pectin Jelly," "Strawberry Pectin Jelly," "Loganberry Pectin Jelly," and "Blackberry Pectin Jelly," were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the articles were imitations of raspberry pectin jelly, strawberry pectin jelly, loganberry pectin jelly, and blackberry pectin jelly, as the case might be.

On May 12, 1930, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the products be destroyed, or distributed to charitable institutions, by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17363. Adulteration of canned salmon. U. S. v. S69 Cases, et al., of Canned Salmon. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24184. I. S. No. 019285. S. No. 2414.)

On March 25, 1930, 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 3,049 cases of canned salmon, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the Copper River Packing Co., from Port Nellie Juan, Alaska, on July 23, 1929, and transported from the Territory of Alaska into the State of Washington, 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 whole or in part of a decomposed animal substance.

On April 16, 1930, the Copper River Packing Co., Seattle, Wash., 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 \$5,000, conditioned in part that it be salvaged under the supervision of this department, and the portion found in violation of the law destroyed.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17364. Adulteration and misbranding of canned tomatoes. U. S. v. 1000 Cases of Canned Tomatoes. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24239. I. S. No. 024043. S. No. 2487.)

On November 13, 1929, the United States attorney for the District of New Jersey, 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 1,000 cases of canned tomatoes, remaining in the original unbroken packages at Paterson, N. J., alleging that the article had been shipped by W. H. Sanford, from Kinsale, Va., on or about September 17, 1929, and transported from the State of Virginia into the State of New Jersey, and

charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Iona Brand Tomatoes * * * Distributors The Great Atlantic & Pacific Tea Co., New York, N. Y."

It was alleged in the libel that the article was adulterated in that added water had been mixed and packed therewith so as to reduce and lower its quality, and had been substituted in part for tomatoes, which the said article purported to be.

Misbranding was alleged for the reason that the statement "Tomatoes," borne on the label, was false and misleading and deceived and misled the purchaser, when applied to a product containing added water. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article.

On April 24, 1930, William H. Sanford, Kinsale, Va., claimant, having admitted the allegations of the libel and having consented that a decree be entered condemning and forfeiting the product, judgment was entered ordering that the said product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$2,500, conditioned in part that it be relabeled so that the label contain the statement "23% water added."

ARTHUR M. HYDE, *Secretary of Agriculture.*

17365. Misbranding of olive oil. U. S. v. 6 Gallon Cans, et al., of Olive Oil. Default decrees of condemnation, forfeiture, and sale. (F. & D. Nos. 22738, 22760, 22761. I. S. Nos. 19393-x to 19397-x, incl. S. Nos. 782, 790, 791.)

On May 7, 1928, the United States attorney for the Northern District of Indiana, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 14 gallon cans, 32 half-gallon cans, and 14 quarter-gallon cans of olive oil, remaining in the original unbroken packages at Gary, Ind., alleging that the article had been shipped by Mallars & Co., from Chicago, Ill., in various consignments, on or about November 29, 1927, March 28, 1928, and April 9, 1928, respectively, and transported from the State of Illinois into the State of Indiana, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Cans) "Athlete Brand Pure Olive Oil Contents 1 gallon [or "½ gallon," or "¼ gallon"] Imported and Packed by Mallars & Company, Chicago."

It was alleged in the libels that the article was misbranded in that the above-quoted labels were false and misleading and deceived and misled purchasers, in that they represented that the cans contained 1 gallon, one-half gallon, or one-fourth gallon, as the case might be, of olive oil, whereas the said cans did not contain a full gallon, a full half-gallon or a full quarter-gallon of olive oil, as the case might be. 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 said packages.

On November 13, 1928, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be sold by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17366. Adulteration of grapefruit. U. S. v. 164 Boxes of Grapefruit. Decree of condemnation and destruction entered. (F. & D. No. 24669. I. S. No. 01096. S. No. 2929.)

On February 14, 1930, the United States attorney for the District of Kansas, acting upon a report by an official of the State of Kansas, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 164 boxes of grapefruit, remaining in the original unbroken packages at Hutchinson, Kans., alleging that the article had been shipped by J. H. Freedman, from Edinburg, Tex., on or about February 5, 1930, and transported from the State of Texas into the State of Kansas, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Box) "Sun Pak Lower Rio Grande Citrus Fruit. Burkhart & Williams, Edinburg, Alamon and McAllen, Texas. Marsh Seedless Citrus Fruit, Rio Grande Valley."

It was alleged in the libel that the article was adulterated in that it was composed of filthy, decomposed vegetable matter.

On February 19, 1930, the Grovier Starr Produce Co., Hutchinson, Kans., having appeared and having admitted the material allegations of the libel and