

the Food and Drugs Act as amended. The article was labeled, "Unclassified."

It was alleged in the libel that the article was misbranded in that it was in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On June 10, 1933, the owner of the product having consented to the destruction of the potatoes, since they were in a decaying condition, judgment was entered ordering that they be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

**21055. Misbranding of potatoes. U. S. v. 200 Sacks of Potatoes. Product released under bond to be relabeled. (F. & D. no. 30479. Sample no. 35616-A.)**

This case involved a shipment of potatoes, sample sacks of which were found to contain less than 100 pounds, the declared weight.

On May 19, 1933, the United States attorney for the District of Nebraska, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 200 sacks of potatoes at Beatrice, Nebr., alleging that the article had been shipped in interstate commerce, on or about May 12, 1933, by Emil (Erwin) Wiederstein, from Convict Camp Switch, Tex., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Texas New Potatoes, 100 lbs. net weight when packed."

It was alleged in the libel that the article was misbranded in that the statement, "100 lbs. net weight", was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was food in package form and was not plainly and conspicuously marked on the outside of the package in terms of weight.

On May 31, 1933, Erwin Wiederstein, having appeared as claimant for the property and having consented to the entry of a decree of condemnation and forfeiture, judgment was entered adjudging the product misbranded and ordering that it be released to the claimant upon payment of costs and the execution of a bond in the sum of \$900, conditioned that it be relabeled to show the true weight or resacked to the declared weight.

M. L. WILSON, *Acting Secretary of Agriculture.*

**21056. Misbranding of potatoes. U. S. v. 175 Sacks of Potatoes. Default decree of condemnation and destruction. (F. & D. no. 30418. Sample no. 35602-A.)**

This action involved a shipment of potatoes, sample sacks of which contained less than 50 pounds, the declared weight.

On May 5, 1933, the United States attorney for the District of Kansas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 175 sacks of potatoes at Salina, Kans., alleging that the article had been shipped in interstate commerce, on or about April 28, 1933, by Alexander Marketing Co., from San Benito, Tex., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "New Triumph Potatoes \* \* \* Net Weight 50 Lbs. when packed."

It was alleged in the libel that the article was misbranded in that the statement, "50 Lbs. when packed", was 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 incorrect.

On June 2, 1933, no claimant having appeared for the property, and the potatoes having spoiled and become unfit for use, judgment of condemnation was entered and it was ordered by the court that they be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

**21057. Adulteration and misbranding of salad oil. U. S. v. 4 Boxes of Oil, et al. Default decree of destruction. (F. & D. nos. 30043, 30419, 30420. Sample nos. 31976-A, 31992-A, 31993-A, 31994-A.)**

These cases involved various lots of oil labeled to convey the impression that it was olive oil of foreign origin. Examination showed that the article consisted principally of cottonseed oil containing a small amount of olive oil. Certain lots also were artificially colored and flavored.

On April 6, and May 8, 1933, the United States attorney for the District of Connecticut, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 154 gallons, 174 half gallons, and 96 quarts of salad oil in part at Waterbury, Conn., and in part at Hartford, Conn., alleging that the article had been shipped in interstate commerce between December 22, 1932, and April 5, 1933, by V. Buoncore, or Vincent Buoncore, from New York, N.Y., and charging adulteration in violation of the Food and Drugs Act. A portion of the article was labeled: (Sides of can) "Superfine Oil Imperio Brand \* \* \* Virgin Olive Oil"; (top of can) "L'Olio D'liva Contenuto In Questa Latta E'Importato Dall'Italia \* \* \* Olive Oil \* \* \* Imported From Italy." A portion was labeled: "Aoliva Brand Fine Oil \* \* \* Warranted pure under chemical analysis." The remainder was labeled: "Olio Lucca Type il Migliore \* \* \* Guaranteed pure under chemical analysis."

It was alleged in the libels that the article was adulterated in that cottonseed oil had been mixed and packed with it so as to reduce, lower, and injuriously affect its quality. Adulteration was alleged for the further reason that mixtures consisting largely of cottonseed oil containing a small amount of olive oil, portions of which were artificially colored and flavored, had been substituted for olive oil, which the article purported to be.

Misbranding was alleged for the reason that the statements, "The Contents of Olive Oil in this can is imported from Italy \* \* \* Superfine Oil Imperio \* \* \* Virgin Olive Oil", with respect to portions, "Olio Lucca Type il Migliore. \* \* \* Guaranteed pure under chemical analysis", with respect to a portion, and "Aoliva Brand Fine Oil \* \* \* Warranted pure under chemical analysis [Italian national colors and designs of olive branches]", with respect to a portion, were false and misleading and deceived and misled the purchaser, since they were framed and designed to imply that the article was pure imported oil. Misbranding was alleged for the further reason that the article purported to be a foreign product, when not so, and for the further reason that it was offered for sale under the distinctive name of another article. Misbranding of the portions of the product which were artificially colored and flavored was alleged for the further reason that it was an imitation of another article.

On June 29, 1933, no claimant having appeared for the property, judgment were entered ordering that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

**21058. Adulteration of canned salmon. U. S. v. 13 Cases and 26 Cases of Canned Salmon.** (F. & D. nos. 30004, 30023. Sample nos. 20193-A, 22929-A.)

These cases involved an interstate shipment of canned salmon which was found to be in part decomposed.

On March 28, 1933, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 13 cases of canned salmon at Stockton, Calif. On March 29, 1933, the United States attorney for the Southern District of California filed a libel against 26 cases of canned salmon at Bakersfield, Calif. It was alleged in the libels that the article had been shipped in interstate commerce, on or about September 9, 1932, by Libby, McNeill & Libby, from Seattle, Wash., to San Francisco, Calif., that it had been reshipped to Stockton and Bakersfield, Calif., and that it was adulterated in violation of the Food and Drugs Act. The article was labeled in part: "Libby's Fancy Red Alaska Salmon."

The libels charged that the article was adulterated in that it consisted in part of a decomposed and putrid animal substance.

On May 16 and May 18, 1933, no claimant having appeared, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

**21059. Adulteration of evaporated apple chops. U. S. v. 71 Sacks of Evaporated Apple Chops. Default decree of condemnation, forfeiture, and destruction.** (F. & D. no. 30350. Sample no. 35107-A.)

This case involved an interstate shipment of a quantity of evaporated apple chops that were found to be insect-infested, decayed, and dirty.