

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.

On April 24, 1933, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 71 sacks of evaporated apple chops at Cincinnati, Ohio, alleging that the article had been transported in interstate commerce on or about May 1, 1931, by DeHoff & Gaylord, from Sodus, N. Y., 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 filthy, decomposed, or putrid vegetable substance.

On June 1, 1933, 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.

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

21060. Misbranding of vinegar. U. S. v. 20 Barrels of Vinegar. Default decree of condemnation and destruction. (F. & D. no. 29908. Sample no. 30791-A.)

This case involved a shipment of vinegar designated as "45 Grain", which term is descriptive of vinegar containing 4.5 grams of acetic acid per 100 cubic centimeters. The product was of lower acidity than represented.

On March 9, 1933, the United States attorney for the District of Montana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 20 barrels of vinegar at Helena, Mont., alleging that the article had been shipped in interstate commerce, on or about February 16, 1933, by the Washington Food Products, from Spokane, Wash., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Barrel) "Pure Apple Cider * * * Empire Brand Vinegar. Washington Food Products, Spokane, Wash., 45 Grain."

It was alleged in the libel that the article was misbranded in that the statement on the label representing that it was "45 Grain" vinegar, namely, a product containing 4½ grams of acetic acid per 100 cubic centimeters, was false and misleading and deceived and misled the purchaser, since it contained less than 4½ grams of acetic acid per 100 cubic centimeters.

On May 25, 1933, no claimant having appeared for the property, judgment of condemnation was 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.*

21061. Adulteration and misbranding of butter. U. S. v. Mount Angel Co-operative Creamery. Plea of guilty. Fine, \$50. (F. & D. no. 29430. Sample nos. 1563-A, 15057-A.)

This action involved interstate shipments of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter prescribed by Congress.

On June 28, 1933, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Mount Angel Cooperative Creamery, a corporation, Mount Angel, Oreg., alleging shipment by said company in violation of the Food and Drugs Act, on or about July 25, and August 22, 1932, from the State of Oregon into the State of Washington, of quantities of butter which was adulterated and misbranded. The article was labeled in part: "Standard Grade Butter * * * Oregon Creamery Butter."

It was alleged in the information that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent by weight of milk fat, as prescribed by the act of Congress of March 4, 1923, which the article purported to be.

Misbranding was alleged for the reason that the statement, "Butter" on the labels, was false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since the said statement represented that the article was butter, a product which should contain not less than 80 percent by weight of milk fat, as required by law; whereas it was not.

On June 28, 1933, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

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