

**21422. Adulteration of blueberries. U. S. v. 124 Crates of Blueberries. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30991. Sample no. 47095-A.)**

This case involved an interstate shipment of blueberries which were found to contain maggots.

On August 14, 1933, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 124 crates of blueberries at Boston, Mass., consigned August 14, 1933, alleging that the article had been shipped in interstate commerce by Griggs-Turner Co., from Portland, Maine, 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, decomposed, and putrid vegetable substance.

On August 23, 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.*

**21423. Adulteration and misbranding of butter. U. S. v. 27 Boxes of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. no. 30918. Sample no. 48731-A.)**

This case involved a shipment of butter, samples of which contained less than 80 percent by weight of milk fat, the standard for butter established by Congress.

On or about July 18, 1933, the United States attorney for the Eastern District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 27 boxes of butter at Spokane, Wash., alleging that the article had been shipped in interstate commerce, on or about July 8, 1933, by the Pend d'Oreille Co., from Plains, Mont., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Fancy Creamery Butter."

It was alleged in the libel that the article was adulterated in that it was deficient in butterfat, and was below the standard required by law.

Misbranding was alleged for the reason that the statement "Butter", borne on the label, was false and misleading and deceived and misled the purchaser.

On July 21, 1933, the Pend d'Oreille Creamery Co., Plains, Mont., having appeared as claimant 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 claimant upon payment of costs and the execution of a bond in the sum of \$500, conditioned that it should not be sold or otherwise disposed of contrary to the provisions of the Federal Food and Drugs Act.

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

**21424. Misbranding of olive oil. U. S. v. 51 Cases, et al., of Olive Oil. Consent decrees of condemnation and forfeiture. Product released under bond. (F. & D. nos. 30572, 30573, 30576, 30711. Sample nos. 32019-A, 43145-A, 43146-A, 43193-A, 43194-A.)**

These cases involved interstate shipments of olive oil which was short volume.

On June 9, 1933, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 51 cases and 135 gallons of olive oil at Brooklyn, N.Y. On or about June 9, 1933, a libel was filed in the District of Connecticut against 210 gallon cans of olive oil at Stamford, Conn., and on July 13, 1933, a libel was filed in the Eastern District of New York against 250 cases of olive oil at Brooklyn, N.Y. It was alleged in the libels that the article had been shipped in interstate commerce between May 4, 1933, and June 8, 1933, by the Riverbank Canning Co., Riverbank, Calif.; that the product at Brooklyn, N.Y., had been shipped from Riverbank, Calif., into the State of New York; and that the product at Stamford, Conn., had been shipped into the State of Connecticut from New York, N.Y., and that it was misbranded in violation of the Food and Drugs Act as amended.

The declaration of volume appeared on the cans variously as follows: "Net Contents One Gallon"; "Net Contents Five Gallons"; "5 Gal." The cases

containing the 5-gallon cans were labeled: "Contents 2 Five Gallon Cans" or "Contains 2-5 Gal. Cans." Most of the lots were further labeled on the cans or cases: "Madonna Brand Pure Olive Oil, Packed by Riverbank Canning Co. Riverbank, Calif."

It was alleged in the libels that the article was misbranded in that the statements on the cases and cans, "Net Contents One Gallon" "Net Contents Five Gallons", "Contains 2-5 Gal. Cans Pure Olive Oil", and "5 Gal.", were 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 the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the cans contained less than declared.

Lorenzo Zerillo, trading as the Riverbank Canning Co., and Samuel A. Stone, of New York, N.Y., appeared as claimants for respective portions of the property, admitted the allegations of the libels, and consented to the entry of decrees. On July 6, July 25, and September 14, 1933, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the claimants upon payment of costs and the execution of good and sufficient bonds, conditioned that the alleged gallon cans be emptied into vats or drums and that the alleged 5-gallon cans be filled to the full 5 gallons.

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

**21425. Adulteration of crab meat. U. S. v. Thirty-seven 1-pound Cans and Twenty-seven 1-pound Cans of Crab Meat. Default decrees of condemnation, forfeiture, and destruction.** (F. & D. nos. 30853, 31075. Sample nos. 48489-A, 55440-A.)

These cases involved interstate shipments of crab meat which was found to contain filth.

On July 19 and August 18, 1933, the United States attorney for the Eastern District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of sixty-four 1-pound cans of crab meat at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about July 18 and August 16, 1933, by A. B. Harris, from Oxford, Md., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libels that the article was adulterated in that it consisted of a filthy animal substance.

On August 7 and September 13, 1933, 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 destroyed by the United States marshal.

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

**21426. Adulteration of apple pomace. U. S. v. 400 Bags of Apple Pomace. Default decree of forfeiture and destruction.** (F. & D. no. 30618. Sample no. 39676-A.)

This case involved a shipment of apple pomace which was found to contain lead in an amount which might have rendered it injurious to health.

On June 19, 1933, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 400 bags of apple pomace at Boston, Mass., alleging that the article had been shipped in interstate commerce, on or about March 10, 1933, by S. R. Deyo Co., from Kingston, 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 contained an added poisonous and deleterious ingredient, lead, which might have rendered it harmful to health.

On August 21, 1933, no claimant having appeared for the property, judgment of 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.*

**21427. Adulteration of noodles. U. S. v. Joseph Sunn and James Loo (Majesty Paste Co.). Pleas of guilty. Fines, \$40.** (F. & D. no. 30126. Sample no. 232-A.)

This case was based on an interstate shipment of a product which had been artificially colored in a manner simulating the appearance of egg noodles, and which was found to contain little, if any, egg solids.