

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.