

culture, filed in the Supreme Court of the District of Columbia, holding a district court, libels praying seizure and condemnation of three barrels and ninety-seven 1-pound cans of crab meat at Washington, D.C., alleging that the article had been shipped in interstate commerce on or about June 28, August 4, and September 3, by E. L. Watkins, from Hampton, Va., 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 in whole or in part of a filthy animal substance.

On October 18, 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.*

**21651. Adulteration and misbranding of salad oil. U. S. v. 16 Cans of Salad Oil. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31026. Sample no. 43648-A.)**

This case involved a product which consisted chiefly of domestic cottonseed oil and which was labeled in a deceptive manner to indicate that it consisted of imported olive oil. Sample cans taken from the lot were found to contain less than 1 gallon, the labeled volume.

On August 30, 1933, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 16 cans of salad oil at Hoboken, N.J., alleging that the article had been shipped in interstate commerce on or about July 18, 1933, by the Modern Packing Co., from Brooklyn, N.Y., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "One Gallon Net Olio Finissimo Garantito La Deliziosa Brand Premiato All' Esposizione di Roma 1924 Italia."

It was alleged in the libel that the article was adulterated in that cottonseed oil had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted in part for the said article.

Misbranding was alleged for the reason that the statements, "Olio Finissimo Garantito La Deliziosa Brand Premiato All' Esposizione di Roma 1924 Italia", and the statement, "Olio Finissimo La Deliziosa Brand Premiato All' Esposizione di Roma 1924", together with the designs of an olive branch and of a medal bearing picture of the King of Italy appearing in the labeling, were false and misleading and deceived and misled the purchaser when applied to a product consisting essentially of domestic cottonseed oil. Misbranding was alleged for the further reason that the article purported to be a foreign product when not so for the further reason that the statement on the label, "One Gallon Net", was false and misleading and deceived and misled the purchaser, and for the further reason that the article was food in package form and failed to bear a plain and conspicuous statement of the quantity of the contents, since the statement made was incorrect.

On November 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.*

**21652. Misbranding of canned pitted cherries. U. S. v. 384 Cases of Canned Cherries. Decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. no. 31024. Sample no. 41003-A.)**

This case involved a shipment of a product which was represented to be pitted cherries but which was found to contain excessive pits, and which was not labeled to indicate that it was substandard.

On August 31, 1933, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 384 cases of canned cherries at St. Paul, Minn., alleging that the article had been shipped in interstate commerce on or about July 20, 1933, by the John C. Morgan Co., from Traverse City, Mich., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Morgan Brand Water Pack Red Sour Pitted Cherries."

It was alleged in the libel that the article was misbranded in that it was canned food and fell below the standard of quality and condition promulgated

by the Secretary of Agriculture for such canned food, because of the presence of excessive pits, and its package or label did not bear a plain and conspicuous statement prescribed by regulation of this Department indicating that it fell below such standard.

On October 10, 1933, the claimant having admitted the allegations of the libel, 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 \$100, conditioned that it be released under the supervision of this Department.

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

**21653. Misbranding of cottonseed meal. U. S. v. 690 Bags of Cottonseed Meal. Decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. no. 31020. Sample no. 14130-A.)**

This action involved a shipment of cottonseed meal which contained less than 43 percent of protein, the amount declared on the label.

On August 28, 1933, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 690 bags of cottonseed meal at Gaithersburg, Md., alleging that the article had been shipped in interstate commerce on or about May 18, 1933, by the Transit Milling Co., from Houston, Tex., to Baltimore, Md., and had been reshipped from Baltimore, Md., to Gaithersburg, Md., on or about June 14, 1933, and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Tag) "Pinco Brand 43% Protein Cotton Seed Meal Prime Quality Manufactured by Maurice Pincoffs Company, Houston, Texas \* \* \* Crude Protein, not less than 43%."

It was alleged in the libel that the article was misbranded in that the statements on the label, "43% Protein \* \* \* Crude Protein not less than 43%", were false and misleading and deceived and misled the purchaser.

On September 8, 1933, Maurice Pincoffs Co., Houston, Tex., having appeared as claimant for the property, 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 \$1,000, conditioned in part that it be relabeled under the supervision of this Department.

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

**21654. Adulteration of chocolate coatings. U. S. v. 12 Boxes of Chocolate Coatings. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31013. Sample no. 45967-A.)**

This case involved a lot of chocolate coatings in which the large cakes were found to be broken, water-soaked, and caked with dried mud. Dirty, soggy wrappers were mixed through the mass, and the product also had a foul odor.

On August 29, 1933, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 12 boxes of chocolate coatings at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about August 15, 1933, by the Warfield Chocolate Co., from Denver, Colo., 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 October 9, 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.*

**21655. Adulteration and alleged misbranding of butter. U. S. v. 22 Cubes of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. no. 30996. Sample no. 29712-A.)**

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

On July 28, 1933, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the