

**21691. Adulteration and misbranding of vegetable or salad oil. U. S. v. 14 Cans of Vegetable Oil and 16 Cans of Salad Oil. Default decrees of condemnation, forfeiture, and destruction. (F. & D. nos. 31219, 31231. Sample nos. 51317-A, 51319-A.)**

These cases involved interstate shipments of two lots of oil which was labeled to convey the impression that it was olive oil of foreign origin but which consisted principally of cottonseed oil, with a small quantity of olive oil present in one of the lots and little if any olive oil in the other. Sample cans taken from the shipment were found to contain less than 1 gallon, the labeled volume.

On October 7 and October 11, 1933, the United States attorney for the District of New Jersey, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 14 cans of vegetable oil at Paterson, N.J., and 16 cans of salad oil at Hackensack, N.J., alleging that the article had been shipped in interstate commerce on or about August 31 and September 6, 1933, by H. J. Staiti, Inc., from New York, N.Y., and charging adulteration in violation of the Food and Drugs Act as amended. The article was labeled in part: (Can) "Net Contents One Gallon."

It was alleged in the libels that the article was adulterated in that cottonseed oil with a small quantity of olive oil in one of the lots and little if any olive oil in the other had been substituted for olive oil, which the label implied the article to be.

Misbranding was alleged for the reason that the statements, "La Vergine Brand Finest Quality Oil Lucca Qualita extra Fina Insuperabile Per Tavola, Cucina, etc. Extra fine quality oil insuperabile for table, cooking, etc.", together with the design of an olive tree, a woman holding a jug of green oil suggesting olive oil, and a picture of a foreign scene, appearing on the label, 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 statement, "Net Contents One Gallon", on the label, was false and misleading, for the further reason that the article purported to be a foreign product when not so, and for the further reason that it 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 statement made was incorrect.

On November 1 and November 16, 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.*

**21692. Adulteration of canned salmon. U. S. v. 38 Cases and 20 Cases of Canned Salmon. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31207. Sample nos. 48995-A, 48996-A.)**

This case involved an interstate shipment of canned salmon that was found to be in large part decomposed.

On October 4, 1933, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 58 cases of canned salmon at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about September 12, 1933, by the Union Fisherman's Cooperative Packing Co., from Portland, Oreg., and charging adulteration in violation of the Food and Drugs Act. A portion of the article was labeled in part: "Seeman Bros. Famous White Rose Columbia River Chinook Salmon."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a decomposed animal substance.

On October 30, 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.*

**21693. Adulteration of apples. U. S. v. 26 Bushels of Apples. Consent decree of destruction. (F. & D. no. 31206. Sample no. 57778-A.)**

This case involved an interstate shipment of apples that were found to bear arsenic in an amount that might have rendered them injurious to health.

On September 11, 1933, the United States attorney for the Northern District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in

the district court a libel praying seizure and condemnation of 26 barrels of apples at Tulsa, Okla., alleging that the article had been shipped in interstate commerce on or about September 6, 1933, by J. R. Bever, Public Market, Tulsa, Okla., from Gentry, Ark., 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 added arsenic, which might have rendered it deleterious to health.

On October 7, 1933, the intervener having consented to the entry of the decree, judgment was entered ordering that the product be destroyed by the United States marshal.

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

**21694. Misbranding of sirup. U. S. v. 12 Cases of Sirup. Consent decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. no. 31199. Sample no. 51006-A.)**

Sample cans of sirup taken from each of the three sizes involved in this case were found to contain less than the labeled volume.

On October 5, 1933, the United States attorney for the District of Wyoming, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 12 cases of sirup at Laramie, Wyo., alleging that the article had been shipped in interstate commerce on or about August 24 and 30, 1933, by the Morey Mercantile Co., from Denver, Colo., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Valley Brand Table Syrup Maple Flavor \* \* \* Net Contents 1 Pint 10 Ozs. [or "3 Pints 11 Ozs." or "7 Pints 11 Ozs.]."

It was alleged in the libel that the article was misbranded in that the cans were labeled: "1 Pint 10 Ozs." or "3 Pints 11 Ozs." or "7 Pints 11 Ozs.," whereas they contained less than the amount so designated on the labels. Misbranding was alleged for the further reason that the article was in package form and the quantity of the contents was not plainly and correctly stated on the outside of the packages, since the cans contained less than declared.

On October 23, 1933, the Morey Mercantile Co., Denver, Colo., having appeared as claimant for the property 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 \$100, conditioned that it be relabeled under the supervision of this Department.

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

**21695. Misbranding of coffee. U. S. v. 41 Cans of Coffee. Default decree of condemnation. Product ordered delivered to charitable organization. (F. & D. no. 31127. Sample no. 46304-A.)**

Sample cans of coffee taken from the shipment involved in this case were found to contain less than 1 pound, the labeled weight.

On September 21, 1933, the United States attorney for the Western District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 41 cans of coffee at Tallulah, La., alleging that the article had been shipped in interstate commerce on or about September 1, 1933, by MacGowan Coffee Co., from Jackson, Miss., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Can) "MacGowan's Best Brand Dark Roast Coffee One Pound Net."

It was alleged in the libel that the article was misbranded in that the statement on the label, "One Pound Net", 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 the quantity of the contents was not plainly and conspicuously marked on the outside of the packages, since the statement of weight was incorrect.

On November 6, 1933, no claimant having appeared for the property, judgment of condemnation was entered, and it was ordered by the court that the product be delivered to a charitable organization.

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