

On October 11, 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 183 barrels of ripe olives at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about September 14, 1933, by Frank Cimino, from Madera, Calif., 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 decomposed, filthy, and putrid vegetable substance.

On November 13, 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.*

21771. Adulteration of tomato puree. U. S. v. The Wooster Preserving Co. Plea of guilty. Fine, \$100 and costs. (F. & D. no. 29452. I.S. no. 44791.)

This case was based on an interstate shipment of tomato puree that was found to contain excessive mold.

On April 14, 1933, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Wooster Preserving Co., a corporation, Wooster, Ohio, alleging shipment by said company in violation of the Food and Drugs Act, on or about August 21, 1931, from the State of Ohio into the State of West Virginia, of a quantity of tomato puree that was adulterated. The article was labeled in part: "Cedar Valley Brand Puree * * * Packed By The Wooster Preserving Co. Wooster, Ohio."

It was alleged in the information that the article was adulterated in that it consisted in whole and in part of a filthy and decomposed and putrid vegetable substance.

On November 13, 1933, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100 and costs.

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

21772. Misbranding of olive oil. U. S. v. 20 Dozen Bottles, et al., of Olive Oil. Default decrees of condemnation, forfeiture, and destruction. (F. & D. nos. 31259, 31593, 31744. Sample nos. 47192-A, 47193-A, 52116-A, 55519-A.)

These cases involved olive oil contained in triangular-shaped bottles, two sides concave and one side flat. The bottles conveyed the deceptive impression that they contained more than the actual contents, which impression was not corrected by the declaration of the contents, since the statement of the contents was embossed in reverse on the outside of the bottles near the base and could be read only with difficulty, and by looking through the bottle, the contents further interfering with legibility.

On October 20, 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 20 dozen bottles of olive oil at Atlantic City, N.J. On November 16 and December 18, 1933, respectively, libels were filed against 280 bottles of olive oil at Boston, Mass., and 9½ cases of olive oil at Irvington N.J. It was alleged in the libels that the article had been shipped in interstate commerce between the dates of June 13, and October 19, 1933, by DeLuca & Co. or A. DeLuca & Co., from New York, N. Y., and that it was misbranded in violation of the Food and Drugs Act as amended. The article was labeled in part: (Bottle) "Pure Imported Olive Oil De Luca & Co., N. Y.", (embossed on bottle) "2 Oz." or "6 Oz."

The libels charged that the article was misbranded in that it was food in package form and the quantity of the contents was not plainly and conspicuously declared on the outside of the package.

On November 24, 1933, and January 8 and January 31, 1934, 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.*