

shipment by said company in the name of the Jerpe Commission Co., Inc., in violation of the Food and Drugs Act, on or about October 18, 1933, from the State of Nebraska into the State of Maryland, of a quantity of frozen eggs which were adulterated. The article was contained in cans labeled in part: "Frigidegs Frozen Strictly Fresh, * * * Frigid Food Products, Inc. * * * Detroit, Mich."

The article was alleged to be adulterated in that it consisted in part of a decomposed and putrid animal substance.

On November 7, 1934, a plea of guilty 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.*

24023. Misbranding of apples. U. S. v. Harry T. Trunkey. Plea of guilty. Fine, \$20. (F. & D. no. 33795. Sample no. 59954-A.)

This case was based on an interstate shipment of apples which were below the grade specified on the label.

On November 15, 1934, the United States attorney for the Eastern District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Harry T. Trunkey, a member of a partnership trading as H. T. Trunkey-H. S. Wolfe, or Trunkey Wolfe Co., Wenatchee, Wash., alleging shipment by said defendant in violation of the Food and Drugs Act, on or about December 9, 1933, from the State of Washington into the State of Pennsylvania, of a quantity of apples which were misbranded. The apples were invoiced as "Delicious Apples * * * Grade-Fancy", and were labeled in part, "Fancy * * * Delicious." The boxes had been originally marked "C Grade", but this grade mark had been removed from most of the boxes and the grade "Fancy" had been stamped on all boxes, some of the boxes, therefore, bearing both grade designations.

The article was alleged to be misbranded in that the statement, "Fancy * * * Apples", borne on the boxes, was false and misleading and for the further reason that it was labeled so as to deceive and mislead the purchaser, since the said statement represented that the apples were Fancy, one of the grades established by the Washington State standards for apples, the State in which they were grown and packed; whereas they were below the grade Fancy under the Washington State standards. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article, Fancy apples.

On December 1, 1934, the defendant entered a plea of guilty and the court imposed a fine of \$20.

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

24024. Misbranding of salad oil. U. S. v. Marcy M. Hoffman (Hoffman Oil Co.). Plea of guilty. Sentence suspended. (F. & D. no. 33802. Sample nos. 51341-A, 51342-A.)

This case was based on an interstate shipment of two lots of salad oil consisting principally of cottonseed oil, which was labeled to convey the impression that it was olive oil of foreign origin. Sample cans taken from the lots were found to contain less than 1 gallon, the labeled volume.

On October 24, 1934, 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 an information against Marcy M. Hoffman, trading as the Hoffman Oil Co., Brooklyn, N. Y., alleging shipment by said defendant in violation of the Food and Drugs Act as amended, on or about October 25, 1933, from the State of New York into the State of New Jersey, of quantities of salad oil which was misbranded.

The article was alleged to be misbranded in that the statements "La Vergine Brand Finest Quality Oil Lucca * * * Qualita Extra Fine Insuperabile * * * Extra Fine Quality Oil Insuperable", together with the design showing a foreign-looking hamlet by the sea, an olive tree, and a woman holding a pitcher of olive oil against the olive-bearing branches of the tree, with respect to a portion of the article, the statements, "Olio Pure Prima Quality Conte Di Savoia Brand Lucca * * * Superior Quality", and the design showing olive branches and a crown with respect to a portion of the article; and the statement "Net Contents 1 Gallon" with respect to both lots, borne on the can labels, were false and misleading; and for the further reason that the article was labeled so as to deceive and mislead the purchaser, in that the said statements and designs represented that the article

was olive oil produced in a foreign country, and that the cans each contained 1 gallon thereof; whereas it was a product consisting almost entirely of cottonseed oil, and the cans contained less than 1 gallon thereof. 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 quantity stated was incorrect.

On November 13, 1934, the defendant entered a plea of guilty and the court ordered that sentence be suspended, and that defendant be placed on probation for a period of one year.

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

24025. Adulteration of tomato puree. U. S. v. 98½ Cases, et al., of Tomato Puree. Default decrees of condemnation and destruction. (F. & D. nos. 34213, 34218, 34230, 34241. Sample nos. 3285-B, 19602-B, 19644-B, 19645-B.)

These cases involved interstate shipments of canned tomato puree that contained excessive mold.

On October 27, October 30, October 31, and November 1, 1934, the United States attorney for the Southern District of Ohio, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 600 cases of canned tomato puree at Cincinnati, Ohio, consigned between the dates of September 3, 1934, and October 18, 1934, alleging that the article had been shipped in interstate commerce by the Henryville Canning Co., from Henryville, Ind., and charging adulteration in violation of the Food and Drugs Act. The article was labeled, variously: "Crystal Springs Brand * * * Tomato Puree Packed by Henryville Canning Co., Inc. Henryville, Ind."; "Henryville Brand Tomato Puree * * * Henryville Canning Co. Henryville, Indiana"; "Park View Brand Tomato Puree * * * Distributed by the Burke Grocery Co., Cincinnati, Ohio"; "Pekin Brand Tomato Puree * * * Pekin Packing Co., Pekin, Ind."

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed vegetable substance.

On December 7, 1934, no claimant having appeared, judgments of condemnation were entered and it was ordered that the product be destroyed.

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