

24232. Misbranding of salad oil. U. S. v. 112 Cans and 45 Cans of Salad Oil. Default decrees of condemnation. Portion of product destroyed. Remainder delivered to charitable or relief organization. (F. & D. nos. 33632, 34236. Sample nos. 6766-B, 17095-B.)

These cases involved a product consisting of domestic cottonseed oil which was labeled to convey the impression that it was olive oil.

On October 4 and November 1, 1934, 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 157 cans of salad oil in part at Newark, N. J., and in part at Elizabeth, N. J., alleging that the article had been shipped in interstate commerce on or about December 1, 1933, and August 3, 1934, by the Frey & Horgan Corporation, from New York, N. Y., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Nonna Mia Brand Pure Vegetable Salad Oil * * * Frey & Horgan Corp. New York."

The article was alleged to be misbranded in that the statements on the labels, namely, "Nonna Mia Olio" and "Nonna Mia Brand Oil" with respect to a portion, and "Nonna Mia", "Marca Nonna Mia Olio Insuperabile Per Salse, Insulata, Fritture, E Tutti Gli Usi Per Tavola E Cucina", with respect to the remainder, together with the green color of the panels of the can, were misleading and tended to deceive and mislead the purchaser since they created the impression that the article was Italian olive oil; whereas it was domestic cottonseed oil. Misbranding was alleged with respect to a portion of the article for the further reason that it purported to be a foreign product when not so.

On January 28 and February 6, 1935, no claimant having appeared, judgments of condemnation were entered. One lot was ordered destroyed and the remaining lot was ordered delivered to a charitable or relief organization.

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

24233. Adulteration and misbranding of canned shrimp. U. S. v. 99 Cases of Canned Shrimp. Default decree of condemnation and destruction. (F. & D. no. 33648. Sample no. 1765-B.)

This case involved an interstate shipment of canned shrimp which was found to be in part decomposed.

On October 8, 1934, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 99 cases of canned shrimp at Oakland, Calif., alleging that the article had been shipped in interstate commerce on or about August 25, 1934, by Lipscomb Bros., from New Orleans, La., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Gomeco Brand Shrimp dry pack * * * packed by Golden Meadow Packing Co., Inc., Golden Meadow, La."

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

Misbranding was alleged in that the statement, "The Shrimp and liquor contained in this can are absolutely free from any adulteration * * * and are guaranteed to pass any state or national pure food law inspection", was false and misleading and tended to deceive and mislead the purchaser.

On February 20, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

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

24234. Adulteration of butter. U. S. v. 28 Cases of Roll Butter. Decree of condemnation. Product released under bond to be reworked. (F. & D. no. 33669. Sample no. 13504-B.)

This case involved an interstate shipment of butter that contained less than 80 percent of milk fat.

On September 5, 1934, the United States attorney for the Eastern District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 28 cases of roll butter at Detroit, Mich., alleging that the article had been shipped in interstate commerce on or about August 22, 1934, by the Davis-Cleaver Produce Co., from Quincy, Ill., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Parchment wrapper) "Fancy Roll Butter Ferndale Country Roll * * * Davis-Cleaver Produce Co., Quincy, Illinois."