

Misbranding was alleged in that the following statements and designs appearing on the package were false and misleading and tended to deceive and mislead the purchaser when applied to a product containing tea-seed oil: Designs of olive leaves and olives; "Olive Oil Pure Extra Sublime \* \* \* This Olive Oil is guaranteed to be absolutely pure and made from the finest selected Olives grown on the Italian Riviera. This Olive Oil is highly recommended for medicinal and table use. Imported Pure Olive Oil \* \* \* Olio d'Oliva Puro Extra Sublime \* \* \* Questo Olio d'oliva e garantito assolutamente puro e fabbricato con le migliori Olive della Riviera Figure E molto raccomandato sia per uso medicinale che per uso oa tavola Olio d'oliva puro importato." Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article, namely, olive oil.

On September 25, 1936, the A. J. Capone Co., Inc., New York, N. Y., claimant, having admitted the material allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be released under bond, conditioned that it be relabeled.

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

**26662. Adulteration of canned salmon. U. S. v. 8,559 Cases of Canned Salmon. Portion of product released unconditionally. Remainder condemned and released under bond conditioned that decomposed salmon be segregated and destroyed. (F. & D. no. 37604. Sample nos. 65188-B, 66834-B.)**

This case involved canned salmon that was in part decomposed.

On April 16, 1936, 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 8,559 cases of canned salmon at Seattle, Wash., alleging that the article had been shipped in interstate commerce in various shipments between the dates of July 27 and August 8, 1935, from Egegik, Alaska, by Libby, McNeill & Libby, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Cans) "Libby's Fancy Red Alaska Salmon."

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

On December 30, 1936, Libby, McNeill & Libby, having appeared as claimant and the case having been submitted to the court, judgment was entered finding that a portion of the product, consisting of 442 cases, was adulterated, and ordering that said portion be condemned. The decree provided that the said 442 cases be released under bond conditioned that all cans containing decomposed salmon be segregated therefrom and destroyed. The remainder of the product was adjudged not to be adulterated and was ordered released unconditionally.

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

**26663. Misbranding of canned cherries. U. S. v. 95 Cartons of Canned Cherries. Product ordered released under bond. (F. & D. no. 37605. Sample no. 65089-B.)**

This product failed to conform to the standard for canned cherries established by the Secretary of Agriculture because of the presence of excessive pits, and was not labeled to indicate that it was substandard.

On April 16, 1936, the United States attorney for the District of Idaho, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 95 cartons of canned cherries at Lewiston, Idaho, alleging that the article had been shipped in interstate commerce on or about December 26, 1935, by the Ravalli Canning Co., from Stevensville, Mont., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Ravalli \* \* \* Red Pitted Cherries \* \* \* Packed by Ravalli Canning Co. Stevensville, Montana."

The article was alleged to be misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture, since there was present more than one cherry pit per 10 ounces of net contents, namely, 4.5 pits per 10 ounces of net contents, 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 November 2, 1936, the Ravalli Canning Co., having appeared as claimant and having consented to the entry of a decree, judgment was entered ordering