

26830. Adulteration and misbranding of olives. U. S. v. Libby, McNeill & Libby. Plea of guilty. Fine, \$35. (F. & D. no. 36020. Sample nos. 32210-B, 32211-B, 33283-B.)

The containers of this article bore labels that misrepresented the weight of their contents. One of the lots was in part wormy and decomposed.

On November 13, 1935, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Libby, McNeill & Libby, a corporation trading at Blue Island, Ill., alleging shipment by it in violation of the Food and Drugs Act as amended, in the period from on or about March 7, 1935, to on or about May 2, 1935, from Blue Island, Ill., to Milwaukee, Wis., of quantities of olives that were misbranded and a part of which were adulterated. The article was labeled in part: "Net Weight 12 Oz. Libby's * * * Spanish Olives Packed By Libby, McNeill & Libby Chicago; "Rose-Dale Brand Spanish Olives Net Weight 1 Lb. 6 Oz. Packed By Libby, McNeill & Libby Chicago."

The information charged that a portion of the Rose-Dale brand was adulterated in that it consisted in part of a filthy and decomposed vegetable substance.

Misbranding of the product in all shipments was charged in that the statements on the labels, "Net Weight 12 Oz." with respect to Libby's brand, and "Net Weight 1 Lb. 6 Oz." with respect to the Rose-Dale brand, were false and misleading in that said statements were borne on the jars so as to deceive and mislead the purchaser; and in 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 jars contained less than the amount declared.

On February 10, 1936, a plea of guilty having been entered, a fine of \$35 was imposed.

W. R. GREGG, *Acting Secretary of Agriculture.*

26831. Adulteration of cheese. U. S. v. Leslie F. Radke (North Road Factory). Plea of guilty. Fine, \$25. (F. & D. no. 36026. Sample nos. 32042-B, 32043-B, 32044-B.)

This case involved cheese that contained evidence of the presence of filth.

On April 20, 1936, the United States attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Leslie F. Radke, trading as the North Road Factory, Watertown, Wis., alleging shipment by said defendant in violation of the Food and Drugs Act on or about March 27, March 30, and April 3, 6, 10, and 13, 1935, from the State of Wisconsin into the State of Illinois of quantities of cheese that was adulterated.

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

On January 22, 1937, the defendant entered a plea of guilty and the court imposed a fine of \$25.

W. R. GREGG, *Acting Secretary of Agriculture.*

26832. Misbranding of cream of tartar, black pepper, and paprika. U. S. v. Michael Temkin (Temson Products Co.). Plea of guilty. Fine, \$50. (F. & D. no. 36075. Sample nos. 32547-B, 32548-B, 32549-B.)

These products were short in weight.

On February 4, 1936, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Michael Temkin, trading as the Temson Products Co., Chicago, Ill., alleging shipment by said defendant in violation of the Food and Drugs Act as amended, on or about February 1, May 1, and July 11, 1935, from the State of Illinois into the State of Missouri of quantities of cream of tartar, black pepper, and paprika that were misbranded. The articles were labeled in part: (Can) "Very Best Brand * * * Cream Tartar 8 ozs. [or "Black Pepper * * * Net Weight 3 Ounces" or "Paprika * * * Net Weight 2½ Ounces"] Benaco Products Chicago, Ill."

The articles were alleged to be misbranded in that the statements, "3 Ozs." with respect to the cream of tartar, "Net Weight 3 Ounces" with respect to the black pepper, and "Net Weight 2½ Ounces" with respect to the paprika, borne on the can labels, were false and misleading and in that the articles were labeled as aforesaid so as to deceive and mislead the purchaser, since the cans contained less than declared. Misbranding was alleged for the further reason that the articles were foods in package form and the quantity of the contents was

not plainly and conspicuously marked on the outside of the packages since the statements made were incorrect.

On January 4, 1937, the defendant entered a plea of guilty and the court imposed a fine of \$50.

W. R. GREGG, *Acting Secretary of Agriculture.*

26833. Adulteration of tomato paste. U. S. v. 750 Cases of Tomato Paste. Default decree of condemnation and destruction. (F. & D. no. 36283. Sample no. 35304-B.)

This product contained filth resulting from worm infestation.

On September 6, 1935, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 750 cases of tomato paste at Cleveland, Ohio, alleging that the article had been shipped in interstate commerce on or about July 19, 1935, from the Harbor City Food Corporation, Harbor City, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Campagnola Brand Tomato Paste * * * Packed by Harbor City Food Corporation [or "Harbor City Canning Co"] Los Angeles Calif."

The article was alleged to be adulterated in that it consisted in part of worm debris.

On January 19, 1937, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

26834. Adulteration of canned salmon. U. S. v. 337 Cases and 3,147 Cases of Canned Salmon. Consent decree of condemnation. Product released under bond. (F. & D. no. 36877. Sample nos. 54597-B, 54600-B, 64942-B, 64943-B.)

This case involved canned salmon that was in part decomposed.

On December 26, 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 337 cases of red salmon and 3,147 cases of pink salmon at Seattle, Wash., alleging that it had been shipped in interstate commerce by the New England Fish Co., in part from Ketchikan, Alaska, on or about August 22, 1935, and in part from Noyes Island, Alaska, on or about September 28, 1935; and charging adulteration in violation of the Food and Drugs Act.

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

On February 8, 1937, the New England Fish Co., claimant, having admitted the 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 should not be disposed of in violation of the Food and Drugs Act.

W. R. GREGG, *Acting Secretary of Agriculture.*

26835. Adulteration of canned spinach. U. S. v. Bertes A. Rudolph. Plea of guilty. Fine \$50 and costs. (F. & D. no. 36947. Sample no. 19572-B.)

This case involved canned spinach samples of which were found to contain worms, insects, and other extraneous material.

On April 1, 1936, the United States attorney for the Western District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Bertes A. Rudolph, a member of a firm trading as the Robinson Canning Co., Robinson, Ark., alleging shipment by said defendant in violation of the Food and Drugs Act on or about May 9, 1935, from the State of Arkansas into the State of Ohio, of a quantity of canned spinach that was adulterated.

The article was labeled in part: "King of Ozarks Brand Spinach * * * Packed by Robinson Canning Co., Robinson, Ark."

It was alleged to be adulterated in that it consisted in part of a filthy vegetable substance; in that worms, insects, wood slivers, grass twigs, wood chips, and sawdust, had been mixed and packed with it so as to reduce, lower, and injuriously affect its quality, and had been substituted in part for the article.

On February 2, 1937, the defendant having entered a plea of guilty, the court imposed a fine of \$50 and costs.

W. R. GREGG, *Acting Secretary of Agriculture.*