

**28769. Adulteration of candy. U. S. v. 24 Boxes of Candy. Decree ordering condemnation and disposition as provided by law. (F. & D. No. 40986. Sample No. 50529-C.)**

This product was insect-infected.

On or about November 30, 1937, the United States attorney for the Southern District of Mississippi, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 24 boxes of candy at Biloxi, Miss., alleging that the article had been shipped in interstate commerce on or about September 30 and October 2, 1937, by McGraw Candy Co. from Mobile, Ala., and charging adulteration in violation of the Food and Drugs Act. The product was labeled in part: "Bay Brand Candies \* \* \* Manufactured by McGraw Candy Co. Mobile, Ala."

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

On March 2, 1938, no claimant having appeared, judgment of condemnation was entered and the property was ordered disposed of in the manner provided by law.

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

**28770. Adulteration of candy. U. S. v. 30 Boxes of Candy. Decree of condemnation. Product ordered disposed of as provided by law. (F. & D. No. 41015. Sample No. 50533-C.)**

This product was insect-infested and dirty.

On December 7, 1937, the United States attorney for the Southern District of Mississippi, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 30 boxes of candy at Biloxi, Miss., alleging that the article had been shipped in interstate commerce on or about July 29, 1937, by the Bennett-Hubbard Candy Co. from Chattanooga, Tenn., and charging adulteration in violation of the Food and Drugs Act. The article was labeled: "Panned Delights Manufactured by Bennett-Hubbard Candy Co., Chattanooga, Tenn."

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

On March 2, 1938, no claimant having appeared, judgment of condemnation was entered and the property was ordered disposed of in the manner provided by law.

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

**28771. Adulteration of canned cherries. U. S. v. 136 Cases of Canned Cherries. Default decree of condemnation and destruction. (F. & D. No. 41627. Sample Nos. 51875-C, 7473-D, 7475-D.)**

Samples of this product were found to contain worms.

On February 4, 1938, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 136 cases of canned cherries at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about December 14, 1937, from Hillsboro, Oreg., by Ray-Maling Co., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Premier Royal Anne Cherries \* \* \* Francis H. Leggett & Co., Distributors, New York."

It was alleged to be adulterated in that it consisted in whole or in part of a filthy vegetable substance.

On March 5, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

**28772. Adulteration of whitefish. U. S. v. 3 Crates of Whitefish. Default decree of condemnation and destruction. (F. & D. No. 41465. Sample No. 252-D.)**

This product was infested with parasitic worms.

On January 18, 1938, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of three crates of whitefish at Los Angeles, Calif., alleging that the article had been shipped in foreign commerce on or about January 8, 1938, by Selkirk Fish Co., from Winnipeg, Manitoba, Canada, 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 in part of a filthy animal substance.

On February 17, 1938, no claimant having appeared, judgment of condemnation and forfeiture, with order of destruction, was entered.

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

**28773. Adulteration of canned peas. U. S. v. 1,700 Cases of Canned Peas. Default decree and order of destruction. (F. & D. No. 41467. Sample No. 7584-D.)**

This product was weevil-infested.

On January 19, 1938, 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 a libel praying seizure and condemnation of 1,700 cases of canned peas at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about November 12, 1937, by Big Horn Canning Co. from Longview, Wash., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Unigrow Brand Sweet Peas \* \* Packed Especially For United Grocers Company Brooklyn, N. Y."

Adulteration was alleged in substance in that the article consisted in whole or in part of a filthy vegetable substance since it was infested with weevils.

On April 12, 1938, no claimant having appeared, judgment of destruction was entered.

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

**28774. Adulteration and misbranding of olive oil. U. S. v. 11 Cans and 8 Cases of Olive Oil. Default decree of condemnation and destruction. (F. & D. No. 41443. Sample No. 37696-C.)**

This product was an artificially colored and flavored cottonseed oil which contained little, if any, olive oil.

On January 18, 1938, 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 a libel praying seizure and condemnation of 11 gallon cans and 8 cases, each containing 12 gallon cans of alleged olive oil, at Brooklyn, N. Y., alleging that the article had been delivered for shipment from New York, N. Y., to Jersey City, N. J., on or about December 20, 1937, by Carmine Esposito, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled in part: (Cans) "Net Contents One Gallon Olio Puro Garantito Impaccato Expressamente per Minning [design of olive branch and olives] da V. B. & D. S. Maria Evico Pro Caserta Italy, \* \* \* Pure Imported Olive Oil"; (cases) "12—1-gallon Tins Italian Pure Olive Oil Products of Italy."

The product was alleged to be adulterated in that artificially colored and flavored cottonseed oil had been mixed and packed with it so as to reduce or lower its quality or strength.

It was alleged to be misbranded in that the statements appearing on the cans and cases were false and misleading and tended to deceive and mislead the prospective purchaser, since it contained little, or no, olive oil. It was alleged to be misbranded further in that it purported to be a foreign product, which it was not.

On March 7, 1938, no claimant having appeared, judgment of condemnation, with order of destruction, was entered.

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

**28775. Adulteration and misbranding of spaghetti. U. S. v. Favro Macaroni Manufacturing Co. Plea of guilty. Fine, \$11 and costs. (F. & D. No. 39842. Sample No. 36616-C.)**

This product was made from flour and semolina and was artificially colored so as to simulate the appearance of spaghetti made wholly from semolina.

On March 4, 1938, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Favro Macaroni Manufacturing Co., a corporation, Seattle, Wash., alleging that on or about June 8, 1937, the defendant had shipped from the State of Washington into the State of Oregon, a quantity of spaghetti which was adulterated and misbranded in violation of the Food and Drugs Act. The article was labeled in part: (Case) "Spaghetti \* \* \* 100% Semolina \* \* \* Favro Macaroni Mfg. Co., Seattle Portland."

It was alleged to be adulterated in that a substance, namely, spaghetti made from flour and semolina, had been substituted wholly for spaghetti made wholly from semolina, which it purported to be; and in that it had been colored with