

10373. Adulteration of walnuts. U. S. * * * v. 12 Bags of Walnuts. Decree of condemnation, forfeiture, and destruction. (F. & D. No. 15241. I. S. No. 10979-t. S. No. W-999.)

On or about August 6, 1921, the United States attorney for the District of Idaho, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 12 bags of walnuts, at Pocatello, Idaho, alleging that the article had been shipped by the Merrill Keyser Co., Salt Lake City, Utah, on or about April 21, 1921, and transported from the State of Utah into the State of Idaho, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Walnuts * * *."

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a filthy, decomposed, and putrid vegetable substance.

On March 23, 1922, the case having come on for final disposition, a decree of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10374. Misbranding of olive oil. U. S. * * * v. 3 Dozen Cans * * * and 48 Dozen Cans * * * of Olive Oil * * *. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 15276. Inv. Nos. 24672, 24674. S. No. E-3504.)

On July 27, 1921, the United States attorney for the District of Rhode Island, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 3 dozen gallon cans and 48 dozen quart cans of olive oil, remaining unsold in the original unbroken packages at Providence, R. I., consigned by the Italian Importing Co., New York, N. Y., alleging that the article had been shipped from New York, N. Y., on or about May 23, 1921, and transported from the State of New York into the State of Rhode Island, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: "* * * Pure Italian Olive Oil * * * Golden Star Brand Packed in Italy * * *."

Misbranding of the article was alleged in substance in the libel for the reason that the labels of the cans containing the said article bore the respective statements, to wit, "* * * Net Contents One Gallon * * *" or "* * * Net Contents One Quart * * *," which were false and misleading and deceived and misled the purchaser into believing that each of the said cans contained one gallon or one quart, as the case might be, of the said article, when they did not, being short in volume. 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 packages.

On April 1, 1922, the Italian Importing Co., New York, N. Y., having entered an appearance as claimant for the property and having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$300, in conformity with section 10 of the act.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10375. Adulteration of frozen eggs. U. S. * * * v. 25 Cans and 15 Cans * * * of Frozen Eggs. Default decree of condemnation, forfeiture, and destruction. (F. & D. Nos. 15653, 15654. I. S. Nos. 893-t, 894-t. S. No. C-3394.)

On January 10, 1922, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 40 cans of frozen eggs, at Chicago, Ill., alleging that the article had been shipped by the Detroit Butter & Egg Co., from St. Paul, Minn., October 31, 1921, and transported from the State of Minnesota into the State of Illinois, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of a filthy and decomposed animal substance.

On April 24, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*