

Misbranding was alleged for the reason that the statement, "California Tuna White Meat," was false and misleading and deceived and misled the purchaser.

During August, 1922, the Curtis Corp., of Long Beach and Los Angeles, Calif., having theretofore filed an answer denying the material allegations of the libel, and the Piggly Wiggly Stores, Inc., Memphis, Tenn., having appeared as claimant for the property and having admitted that it was improperly labeled, an order of the court was entered sustaining the libel and directing that the product be released to the said claimant upon the execution of a bond in the sum of \$1,500, conditioned in part that the labels be altered so that the words "White Meat Only" be stamped out.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11461. Misbranding of vegetable oil. U. S. v. 3 Cases, et al., of Vegetable Oil. Default decree of condemnation, forfeiture, and sale.
(F. & D. No. 15084. I. S. Nos. 6687-t, 6688-t, 6689-t. S. No. E-3393.)

On June 24, 1921, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 3 cases containing gallon cans, 4 cases containing quart cans, and 3 cases containing half-gallon cans of vegetable oil, remaining unsold in the original unbroken packages at Bridgeport, Conn., consigned by Abraham Gash & Co., New York, N. Y., on or about May 31, 1921, alleging that the article had been shipped into the State of Connecticut, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: "Net Contents 1 Gal." (or " $\frac{1}{2}$ Gal." or "1 Quart") "Extra Fine Quality Oil Selma Brand * * * High grade Vegetable oil Flavored with Pure Olive Oil A Compound."

Misbranding of the article was alleged in substance in the libel for the reason that the labels on the cans containing the said article bore the following statements, "Net Contents 1 Gal.," " $\frac{1}{2}$ Gal.," or "1 Quart," as the case might be, which said statements were false and misleading and deceived and misled the purchaser. 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 package.

On April 26, 1923, 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 sold by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11462. Adulteration of peanut butter U. S. v. 862 Jars of Peanut Butter. Default decree of condemnation, forfeiture, and destruction.
(F. & D. No. 15318. I. S. Nos. 8357-t, 8358-t, 8359-t, 8360-t. S. No. E-3543.)

On or about August 13, 1921, the United States attorney for the Southern District of West Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 862 jars of peanut butter at Charleston, W. Va., alleging that the article had been shipped by the Old Dominion Peanut Corp., Norfolk, Va., on or about May 25, 1921, and transported from the State of Virginia into the State of West Virginia, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Jar) "Better yet Old Dominion Peanut Corporation Delicious * * * Healthful * * * Peanut Butter."

Adulteration of the article was alleged in the libel for the reason that mineral oil had been mixed and packed with and substituted wholly or in part for the said article.

On April 27, 1923, 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.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11463. Adulteration and misbranding of oysters. U. S. v. 70 Cases of Oysters. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 16697. I. S. No. 10051-v. S. No. C-3748.)

On August 8, 1922, the United States attorney for the Eastern District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the

seizure and condemnation of 70 cases of oysters at Little Rock, Ark., alleging that the article had been shipped by the Hilton Head Packing Co., Savannah, Ga., on or about March 27, 1922, and transported from the State of Georgia into the State of Arkansas, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: "American Ace Brand * * * Oysters Net Contents 5 Oz. Oyster Meat * * * Packed by Hilton Head Packing Co. Savannah, Ga."

Adulteration of the article was alleged in the libel for the reason that excessive brine had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and had been substituted wholly or in part for the said article.

Misbranding of the article was alleged for the reason that the statement on the label, "Net Contents 5 Oz. Oyster Meat," was false and misleading and deceived and misled the purchaser. 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 package.

On February 1, 1923, the Hilton Head Packing Co., Savannah, Ga., claimant, having consented to the entry of a decree, judgment of condemnation 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 good and sufficient bond, conditioned in part that the product be rebranded as follows: "Slack Filled: A package of this size should contain 5 ounces Oyster Meat. Actual cut-out weight in this can 3.5 ounces."

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11464. Adulteration of canned cherries. U. S. v. 1,498 Cases of Cherries. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 16800. I. S. No. 3766-v. S. No. C-3797.)

On or about September 5, 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 praying the seizure and condemnation of 1,498 cases of canned cherries, remaining unsold in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by the Grand Traverse Packing Co., from Traverse City, Mich., August 8, 1922, and transported from the State of Michigan into the State of Illinois, and charging adulteration in violation of the Food and Drugs Act.

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

On May 1, 1923, the Grand Traverse Packing Co., Traverse City, Mich., claimant, having admitted the material allegations of the libel and consented to the entry of 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 \$1,000, in conformity with section 10 of the act, conditioned in part that it be sorted under the supervision of this department, the bad portion destroyed and the good portion delivered to the said claimant.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11465. Adulteration and misbranding of corn salad oil flavored with olive oil. U. S. v. Michael Montagnino and Ignatius Scaduto (Montagnino & Scaduto). Plea of guilty. Fine, \$200. (F. & D. No. 16965. I. S. No. 15569-t.)

On February 23, 1923, 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 of the United States for said district an information against Michael Montagnino and Ignatius Scaduto, copartners, trading as Montagnino & Scaduto, New York, N. Y., alleging shipment by said defendants, in violation of the Food and Drugs Act, as amended, on or about January 20, 1922, from the State of New York into the State of Connecticut, of a quantity of corn salad oil flavored with olive oil which was adulterated and misbranded. The article was labeled in part: (Cans) "Sant'Antonio Brand * * * Corn Salad Oil Flavored Slightly With Pure Olive Oil A Compound Montagnino & Scaduto, - New York Superior Quality Net Contents One Gallon."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted of corn oil, cottonseed oil, and some other