

12090. Adulteration and misbranding of apples. U. S. v. Rogerson Cold Storage Co., a Corporation. Plea of guilty. Fine, \$25. (F. & D. No. 17792. I. S. No. 2146-v.)

On October 17, 1923, the United States attorney for the Western 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 the Rogerson Cold Storage Co., a corporation, Le Roy, N. Y., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about March 3, 1923, from the State of New York into the State of Pennsylvania, of a quantity of apples which were adulterated and misbranded. The article was labeled in part: "New York Standard 'A' Grade Packed By S. C. Wells Le Roy, N. Y. Min. Size 3 In."

Examination by the Bureau of Chemistry of this department of 4 barrels from the consignment showed that the said barrels contained many apples that were less than 3 inches in diameter and many apples that were injured by fungus or by early tree frost; the barrels also contained some apples that were badly rusted.

Adulteration of the article was alleged in the information for the reason that apples of a lower grade than New York Standard A Grade and of less than three inches in diameter each had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and had been substituted in part for New York Standard A Grade apples, minimum size three inches, which the said article purported to be.

Misbranding was alleged for the reason that the statement, to wit, "New York Standard 'A' Grade * * * Min. Size 3 In.," borne on the barrels containing the article, regarding the said article, was false and misleading in that it represented that the said article consisted wholly of New York Standard A Grade apples of not less than 3 inches in diameter each, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it consisted wholly of New York Standard A Grade apples of not less than 3 inches in diameter each, whereas, in truth and in fact, said article did not so consist but did consist in part of apples of a lower grade than New York Standard A Grade apples and of less than 3 inches in diameter each. Misbranding was alleged for the further reason that the article was offered for sale and sold under the distinctive name of another article, to wit, "New York Standard 'A' Grade * * * Min. Size 3 In."

On November 15, 1923, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25.

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

12091. Adulteration of crab meat. U. S. v. Edgar P. Hitchings and Vernon D. Hitchings (E. A. Hitchings & Co.). Pleas of guilty. Fine, \$25. (F. & D. No. 16563. I. S. Nos. 8840-t, 8841-t.)

On May 8, 1923, the United States attorney for the Eastern District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Edgar P. Hitchings and Vernon D. Hitchings, copartners, trading as E. A. Hitchings & Co., Norfolk, Va., alleging shipment by said defendants, in violation of the Food and Drugs Act, on or about May 17, 1922, from the State of Virginia into the State of Maryland, of quantities of crab meat which was adulterated. The article was labeled in part: "From E. A. Hitchings & Co. * * * Norfolk, Va."

Examination of samples of the article by the Bureau of Chemistry of this department showed that it was putrid and contained decomposed crab meat.

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

On May 8, 1923, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$25.

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

12092. Misbranding of oranges. U. S. v. 100 Cases of Oranges. Default decree of condemnation, forfeiture, and sale. (F. & D. No. 661-c. I. S. No. 1805-t. S. No. C-3497.)

On or about March 27, 1922, the United States attorney for the District of Indiana, acting upon a report by the State Food and Drug Commissioner of Indiana, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 100 cases of oranges, at

Indianapolis, Ind., alleging that the article had been received from the consignors, the American Fruit Growers, Inc., East Highlands, Calif., March 21, 1922, and had been transported from the State of California into the State of Indiana, and charging adulteration or misbranding in violation of the Food and Drugs Act. The article was labeled in part: "A 1 * * * American Fruit Distributors Main Office Los Angeles, California."

It was alleged in substance in the libel that the said article had been badly tree-frosted so as to reduce, lower, and injuriously affect its quality.

It was further alleged in substance in the libel that the article was adulterated or misbranded in that the said cases did not contain "A 1 Brand Naval Oranges," as branded on each of the cases, but did contain oranges which had been badly tree-frosted.

On May 12, 1922, no claimant having appeared for the property, a decree of the court was entered adjudging the product to be misbranded and ordering that it be sold by the United States marshal in compliance with law.

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

12093. Alleged adulteration and misbranding of olive oil. U. S. v. Joseph Crisafulli and Stefano Crisafulli (Crisafulli Bros.). Plea of not guilty. Tried to the court and a jury. Verdict of not guilty directed by the court. (F. & D. No. 16556. I. S. Nos. 5493-t, 5494-t, 5498-t, 5499-t, 15480-t.)

On October 4, 1922, 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 Joseph Crisafulli and Stefano Crisafulli, copartners, trading as Crisafulli Bros., New York, N. Y., alleging shipment by said defendants, in violation of the Food and Drugs Act, as amended, in various consignments, namely, on or about June 23, 24, and 25, 1921, respectively, from the State of New York into the State of Massachusetts, of quantities of olive oil which was alleged to have been misbranded, and on or about July 9, 1921, from the State of New York into the State of New Jersey, of a quantity of oil which was alleged to have been adulterated and misbranded. The olive oil was labeled in part: "Contains One Full Gallon * * * Pure Olive Oil * * * Crisafulli Brand * * * Crisafulli Bros." The product involved in the remaining consignment was labeled in part: "Finest Quality Table Oil La Migliore Brand Insuperabile" (picture of olive tree) "Corn Salad Oil Compound With Extra Fine Olive Oil" (the words "Corn Salad Oil Compound" were very small and almost indiscernible, while the words "Olive Oil" were in large and distinct type) "* * * Net Contents One Gallon."

Examination by the Bureau of Chemistry of this department of certain cans taken from each of the consignments of the products showed that the said cans contained less than 1 gallon of the respective products, the shortages disclosed ranging from 2.30 to 4.85 per cent. Analysis of the La Migliore brand table oil showed that it consisted chiefly of corn oil and peanut oil and contained little, if any, olive oil.

Adulteration of the La Migliore brand table oil was alleged in the information for the reason that oils other than olive oil, including peanut oil, had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted practically wholly for olive oil, which the said article purported to be. Adulteration was alleged for the further reason that oils other than olive oil, including peanut oil, had been mixed with the article so as to simulate olive oil and in a manner whereby its damage and inferiority to olive oil were concealed.

Misbranding of the La Migliore brand table oil was alleged in substance for the reason that the statements in large prominent type, to wit, "Finest Quality Table Oil La Migliore Brand Insuperabile * * * Extra Fine Olive Oil," and the statement in smaller type, to wit, "Net Contents One Gallon," together with the pictorial representation of an olive tree and olive branch bearing olives, borne on each of the cans containing the article, regarding the said article, were false and misleading, in that they represented that the article was pure olive oil and that each of the said cans contained 1 gallon net thereof, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was pure olive oil and that each of the said cans contained 1 gallon net thereof, whereas, in truth and in fact, it was not pure olive oil but was composed practically wholly of oils other than olive oil, including peanut oil, and contained an insignificant amount of, if any, olive oil, and each of the said cans did not contain 1 gallon net of the said article but did contain a less quantity.