

**12324. Adulteration of canned sardines. U. S. v. 9 Cases et al., of Sardines. Default decrees of condemnation, forfeiture, and destruction.** (F. & D. Nos. 17831, 17832, 17833. I. S. Nos. 2829-v, 2831-v, 2833-v, 2834-v. S. Nos. E-4488, E-4489, E-4490.)

On September 19 and 20, 1923, respectively, the United States attorney for the Middle District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 54 cases of sardines remaining in the original unbroken packages in part at Harrisburg, Pa., and in part at Lebanon, Pa., alleging that the article had been shipped by the Columbian Canning Co. from Lubec, Me., in various consignments, namely, on or about July 24, July 31, and August 2, 1923, respectively, and transported from the State of Maine into the State of Pennsylvania, and charging adulteration in violation of the food and drugs act. A portion of the article was labeled in part: "Champion Brand American Sardines \* \* \* In Cotton Seed Oil \* \* \* Packed and Guaranteed By The Columbian Canning Co. Washington Co. Lubec, Maine." The remainder of the article was labeled in part: "Vender Brand American Sardines In Cottonseed Oil Packed By Columbian Canning Co."

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

On March 17, 1924, no claimant having appeared for the property, judgments of condemnation and forfeiture were 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.*

**12325. Misbranding of oil. U. S. v. Abraham Gash. Plea of guilty. Fine, \$200.** (F. & D. No. 16414. I. S. Nos. 6622-t, 6623-t, 6687-t, 6688-t, 6689-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 Abraham Gash, New York, N. Y., alleging shipment by said defendant, in violation of the food and drugs act as amended, on or about May 19, 1921, from the State of New York into the State of New Jersey, and on or about May 30, 1921, from the State of New York into the State of Connecticut, of quantities of oil which was misbranded. A portion of the article was labeled in part: (Can) "Extra Quality Oil \* \* \* The Italian Cook Brand Winterpressed Cottonseed Salad Oil Flavored with Pure Olive Oil Net Contents 1 Gall. A Compound." The remainder of the said article was labeled in part: (Can) "Net Contents 1 Gal." (or "Net Contents ½ Gal.," or "Net Contents 1 Quart.") "Extra Fine Quality Oil Selma Brand For Salads—Cooking and Mayonnaise. \* \* \* High Grade Vegetable Oil. Flavored with Pure Olive Oil."

Analyses of samples of the article by the Bureau of Chemistry of this department showed that the article consisted almost entirely of cottonseed oil or soya bean oil mixed with cottonseed oil. Examination by said Bureau showed that the cans contained a less quantity of the article than was declared on the labels.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "Cottonseed Salad Oil Flavored with Pure Olive Oil," appearing on the cans, containing a portion of the article and the statement, to wit, "Vegetable Oil. Flavored with Pure Olive Oil," appearing on the cans containing the remainder thereof and the further statements, "Net Contents 1 Gal.," "Net Contents ½ Gal.," and "Net Contents 1 Quart," appearing on the respective-sized cans containing the article, were false and misleading in that they represented that the article was a product flavored with pure olive oil and that each of the said cans contained 1 gallon net, ½ gallon net, or 1 quart net, of the article, as the case might be, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was a product flavored with pure olive oil and that each of the said cans contained 1 gallon net, ½ gallon net, or 1 quart net, of the said article, as the case might be, whereas, in truth and in fact, the article was not a product flavored with pure olive oil but was a product which contained no taste of olive oil and which contained no flavor of olive oil, and each of said cans did not contain the amount declared on the label, but did contain a less amount. Misbranding was alleged for the further reason that the article was food in