

18877. Adulteration of tomato catsup. U. S. v. 1,047 Cases, et al., of Tomato Catsup. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 25306, 25607. I. S. Nos. 13636, 13637, 13665, 16376. S. Nos. 3568, 3853.)

Samples of tomato catsup from the shipments herein described having been found to contain excessive mold, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Illinois.

On November 7, 1930 and January 6, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 1,117 cases of tomato catsup at Chicago, Ill., alleging that the article had been shipped by the Frazier Packing Co., from Elwood, Ind., in part on September 23, 1930, and in part on October 16, 1930, and had been transported from the State of Indiana into the State of Illinois, and charging adulteration in violation of the food and drugs act. A portion of the article was labeled in part: (Bottle) "White City Brand Pure Tomato Catsup Samuel Kunin & Sons, Inc., Distributors, Chicago, Ill." The remainder of the said article was labeled in part: (Bottle) "Tomato Catsup IGA Brand."

It was alleged in the libels that the article was adulterated in that it consisted in part of a filthy, decomposed, and putrid vegetable substance.

On August 26 and September 30, 1931, 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.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18878. Adulteration of pecans. U. S. v. 13 Bags of Pecans. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25501. I. S. No. 16307. S. No. 3794.)

Samples of nuts from the shipment of pecans herein described having been found to be decomposed, moldy, and shriveled, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Illinois.

On December 17, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 13 bags of pecans at Chicago, Ill., alleging that the article had been shipped by the Horticultural Developments Co., from Springhill, Ala., February 6, 1930, and had been transported from the State of Alabama into the State of Illinois, and charging adulteration in violation of the food and drugs act.

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

On August 26, 1931, 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.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18879. Adulteration and misbranding of olive oil. U. S. v. Thirty 1-Gallon Cans, et al., of Olio Roma. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 26298, 26299, 26300. I. S. Nos. 17266, 17267, 17268. S. Nos. 4593, 4594, 4595.)

Examination of a product, represented to be olive oil, from the shipments herein described, having shown that the article was heavily adulterated with cottonseed oil and contained little if any olive oil, that the cans examined contained less than the declared volume, and that it was not a foreign product as it purported to be, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Michigan.

On April 29, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 85 gallon cans, 30 half-gallon cans, and 10 quart cans of Olio Roma at Detroit, Mich., alleging that the article had been shipped by the Oriental Products Co., from Canton, Ohio, in part on or about December 15, 1930, and in part on or about February 2, 1931, and had been transported from the State of Ohio into the State of Michigan, and charging adulteration and misbranding in violation of the food and drugs act as amended. The shipping cases were labeled in part: "Roma Olive Oil." The cans were labeled in Italian, of which the following is in part a translation: "Roma Oil Superfine Oil for table and medicinal use [design of Colosseum] The famous old amphitheater of Italy.

This Roma oil is put up by the same firm that puts up the pure olive oil, Iberian brand, and it is the same that imports the famous Olive Oil Porto Maurizio Italy." The following appeared in English on the said cans: "Net Contents One Gallon [or "Half Gallon" or "One Quart," as the case might be]."

It was alleged in the libels that the article was adulterated in that cottonseed oil had been mixed and packed with and substituted in part for olive oil.

Misbranding was alleged for the reason that the statement on the shipping case, "Roma Olive Oil," and the statements on the respective can labels, "Net Contents One Gallon," "Net Contents Half Gallon," and "Net Contents One Quart," were false and misleading and deceived and misled the purchaser; for the further reason that the article purported to be a foreign product when not so; and for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages.

On October 8, 1931, 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.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18880. Adulteration of shell eggs. U. S. v. William M. Hogge. Plea of nolo contendere. Fine, \$25. (F. & D. No. 25687. I. S. No. 2726.)

A large proportion of the eggs in the shipment herein described having been found to be in various stages of decomposition, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Virginia.

On April 18, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid an information against William M. Hogge, Mascot, Va., alleging shipment by said defendant in violation of the food and drugs act, on or about July 26, 1930, from the State of Virginia into the State of Maryland, of a quantity of eggs which were adulterated. The article was labeled in part: "From W. M. Hogge, Mascot, Va."

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

On October 12, 1931, the defendant entered a plea of nolo contendere to the information and the court, after hearing the evidence in the case, imposed a fine of \$25.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18881. Adulteration of chocolate-covered wine jellies. U. S. v. Ninety 1-Pound Boxes of Chocolate-Covered Wine Jellies. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26480. I. S. No. 24466. S. No. 4777.)

Samples of confectionery from the shipment herein described having been found to contain alcohol, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Illinois.

On June 12, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of ninety 1-pound boxes of chocolate-covered wine jellies, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by Widmer's Grape Products Co., from Naples, N. Y., April 30 1931, and had been transported from the State of New York into the State of Illinois, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted in part of spirituous liquor, to wit, alcohol.

On October 12, 1931, 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.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18882. Adulteration of canned mushroom puree. U. S. v. 10½ Cases of Canned Mushroom Puree. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26481. I. S. No. 24465. S. No. 4787.)

Samples of canned mushroom puree from the shipment herein described having been found to be decomposed, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Illinois.