

Agriculture reported the matter to the United States attorney for the Eastern District of New York.

On December 21, 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 one hundred and forty-four 1-gallon cans and eighteen 6-gallon cans of olive oil, remaining unsold in the original packages at Astoria, Long Island, N. Y., alleging that the article had been imported into the United States, having been entered on or about September 1, 1931, and that it was misbranded in violation of the food and drugs act as amended. A portion of the article was labeled in part: "Oleo Puro D'Oliiva Prodotto In Italia Esportatori Fratelli Laricchia Adelfia (Italia) * * * Net Contents One Gallon Guaranteed Full Measure." The remainder of the said article was labeled in part: "Oleo Garantito Puro D'Oliiva Esportatori Fratelli Laricchia Adelfia (Italia) Olive Oil * * * Containing Six Gallons Net."

It was alleged in the libel that the article was misbranded in that the statements appearing on the cans, "Net Contents One Gallon Guaranteed Full Measure," and "Containing Six Gallons Net," were false and misleading and deceived and misled the purchaser, since the cans contained less than so represented. 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, since the cans contained less than represented.

On January 15, 1932, Giuseppe Laricchia, Astoria, Long Island, N. Y., claimant, having admitted the allegations of the libel and having 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 costs and the execution of a bond in the sum of \$1,000, conditioned in part that the cans be refilled so that the article comply with the requirements of the Federal food and drugs act and all Federal and State laws, said refilling to be done under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19319. Misbranding of crab meat. U. S. v. William Cruso (C. C. Co.). Plea of guilty. Fine, \$25. (F. & D. No. 26602. I. S. No. 8550.)

Sample packages of crab meat, labeled as containing 1 pound net, having been found short of the declared weight, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of Mississippi.

On September 29, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid an information against William Cruso, trading as C. C. Co., Biloxi, Miss., alleging shipment by said defendant, in violation of the food and drugs act as amended, on or about January 26, 1931, from the State of Mississippi into the State of Alabama, of a quantity of crab meat that was misbranded. The article was labeled in part: (Can) "Contents Crab Meat 1 Lb. Net."

It was alleged in the information that the article was misbranded in that the statement, to wit, "1 Lb. Net," borne on the cans containing the article, was false and misleading, since the said statement represented that each of the cans contained 1 pound of the article; and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the cans each contained 1 pound of the article; whereas most of the said cans contained less than 1 pound. Misbranding was alleged for the further reason that the article was food in package form and the quality of the contents was not plainly and conspicuously marked on the outside of the package, since the cans contained less than so represented.

On February 17, 1932, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$25.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19320. Adulteration of tomato catsup. U. S. v. 100 Cases, et al., of Tomato Catsup. Default decree of destruction. (F. & D. No. 27067. I. S. Nos. 40294, 40295. S. No. 5307.)

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

On October 12, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and