

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

condemnation of 150 cases of tomato catsup, remaining in the original and unbroken packages at Minneapolis, Minn., alleging that the article had been shipped on or about November 17, 1930, by the Utah Canning Co., from Ogden, Utah, and had been transported in interstate commerce from the State of Utah into the State of Minnesota, and charging adulteration in violation of the food and drugs act. A portion of the article was labeled in part: (Can) "Pioneer Brand Tomato Catsup * * * The Utah Canning Company, Ogden, Utah." The remainder of the article was labeled in part: (Can) "Temple Brand Tomato Catsup made from trimmings The Utah Canning Co., Ogden, Utah."

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed vegetable substance unfit for food.

On February 9, 1932, no claimant having appeared for the property, judgment was entered ordering that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19321. Adulteration and misbranding of eggs. U. S. v. 13 Cases of Eggs. Consent decree of condemnation and confiscation. Product released to be candled and relabeled. (F. & D. No. 27945. I. S. No. 24245. S. No. 5275.)

Examination of samples of shell eggs from the shipment herein described having shown the eggs to be partly decomposed, the facts were reported to the United States attorney for the Western District of Louisiana by the Shreveport health department, acting in cooperation with the United States Department of Agriculture.

On August 26, 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 13 cases of eggs at Shreveport, La., alleging that the article had been shipped on or about August 22, 1931, by the Armstrong Packing Co., from Dallas, Tex., and had been transported in interstate commerce from the State of Texas into the State of Louisiana, and charging adulteration and misbranding in violation of the Federal food and drugs act. The article was labeled in part: "Select Loose;" or "Select Fresh Cartons."

It was alleged in the libel that the article was adulterated in that it consisted wholly or in part of a filthy, decomposed, and putrid animal substance, to wit, rotten or partly rotten eggs.

Misbranding was alleged for the reason that the statements, "Select Eggs" and "Select Fresh Cartons," were false and misleading and deceived and misled the purchaser, since the said statements were applied to eggs that were not select or fresh, but rotten and partly rotten.

On August 29, 1931, the Armstrong Packing Co., Dallas, Tex., claimant, having filed an answer admitting the allegations of the libel and having prayed the entry of a decree providing for the candling of the product under proper supervision and the destruction of the bad eggs, judgment of condemnation and confiscation was entered. The decree provided that the claimant be granted the privilege of candling the eggs in order to bring the product up to the standard of storage eggs; that the words "Storage Eggs" be stamped upon the cases; that after inspection, candling, and relabeling, the product be released, and that claimant pay all costs of the proceedings.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19322. Adulteration of cabbage. U. S. v. 132 Hampers of Cabbage. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27411. I. S. No. 46060. S. No. 5613.)

Arsenic having been found on the cabbage in the shipment herein described, the Secretary of Agriculture reported the matter to the United States attorney for the Middle District of Georgia.

On December 19, 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 132 hampers of cabbage, remaining in the original unbroken packages at Macon, Ga., alleging that the article had been shipped by Dave Gilliard, from Meggett, S. C., on or about December 8, 1931, and had been transported from the State of South Carolina into the State of Georgia, and charging adulteration in violation of the food and drugs act.