

Seattle, Wash., to San Francisco, Calif., by the K. C. B. Canning Co. (K. C. B. Cannery (Inc.)), and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: "K. C. B. Minced White Clams * * * Packed by K. C. B. Cannery, Inc., Seattle, Wash. Net Weight 7½ oz."

It was alleged in the libel that the article was misbranded in that the statement on the can label, "Net Weight 7½ oz.," was false and misleading and deceived and misled the purchaser. 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 package, since the statement made was not correct. Misbranding was alleged for the further reason that the article was canned food and fell below the standard of fill of container promulgated by the Secretary of Agriculture for such canned food, since the contents occupied less than 90 per cent of the volume of the closed container and the label did not bear a plain and conspicuous statement prescribed by the Secretary, indicating that it fell below such standard.

On March 9, 1932, 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.

HENRY A. WALLACE, *Secretary of Agriculture.*

19709. Adulteration of celery. U. S. v. 352 Crates, et al., of Celery. Decrees of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 27949, 27975. I. S. Nos. 43173, 43178. S. Nos. 6001, 6003.)

Arsenic having been found on samples of celery taken from the shipments involved in these actions, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Pennsylvania.

On March 22 and March 24, 1932, the United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 704 crates of celery, remaining in the original unbroken packages at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce, in part on or about March 17, 1932, and in part on or about March 19, 1932, by Chase & Co., from Sanford, Fla., to Philadelphia, Pa., and charging adulteration in violation of the food and drugs act. A portion of the article was labeled in part: "Precooled and Each Stalk Washed, Chase & Co., Sanford, Florida."

It was alleged in the libels that the article was adulterated in that it contained an added poisonous or deleterious ingredient, arsenic, which might have rendered it injurious to health.

On March 23 and March 24, 1932, Fred Morinelli, jr., Philadelphia, Pa., having appeared as claimant for the property, judgments of condemnation and forfeiture were 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 bonds totaling \$2,400, conditioned in part that it should not be sold or otherwise disposed of contrary to the laws of the United States or of any State, Territory, District, or insular possession, and that it should be reconditioned under the supervision of this department. In supervising the reconditioning this department required the complete removal of the arsenic by washing or other means.

HENRY A. WALLACE, *Secretary of Agriculture.*

19710. Adulteration of tomato catsup. U. S. v. 553 Cases of Tomato Catsup. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27192. I. S. No. 37005. S. No. 5360.)

Samples of canned tomato catsup involved in this action were found to contain excessive mold.

On November 2, 1931, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 553 cases of tomato catsup at Fort Worth, Tex., alleging that the article had been shipped in interstate commerce, on or about September 19, 1931, by the Smith Canning Co., from Layton, Utah, to Fort Worth, Tex., and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Victor Brand Catsup * * * Packed by Smith Canning Co., Clearfield, Utah."

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

On April 8, 1932, 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.

HENRY A. WALLACE, *Secretary of Agriculture.*

19711. Adulteration of shredded figs. U. S. v. 1,054 Boxes and 588 Boxes of Shredded Figs. Consent decrees of condemnation and destruction entered. (F. & D. Nos. 27631, 27632. I. S. Nos. 37228, 37229. S. Nos. 5667, 5671.)

Samples of figs from the shipments herein described having been found to be insect-infested and moldy, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Texas.

On January 6, 1932, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 1,642 boxes of shredded figs at Dallas, Tex., alleging that the article had been shipped by the California Packing Corporation, from Fresno, Calif., in part on or about August 23, 1931, and in part on or about October 24, 1931, and had been transported from the State of California into the State of Texas, 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, decomposed, and putrid vegetable substance, viz, figs that were dirty, moldy, and infested with insects.

On January 27, 1932, the California Packing Corporation, Fresno, Calif., and the consignee in whose possession the goods were seized, having consented to the destruction of a portion of the product, judgment of condemnation was entered and it was ordered by the court that the said portion be destroyed by the United States marshal. On February 18, 1932, the intervenors having represented to the court that the remaining figs constituted a nuisance and having prayed that they be destroyed, judgment was entered ordering their condemnation and immediate destruction.

HENRY A. WALLACE, *Secretary of Agriculture.*

19712. Adulteration and misbranding of olive oil. U. S. v. Anthony Maggiore (Oriental Products Co.). Plea of guilty. Fine, \$200 and costs. (F. & D. No. 26683. I. S. Nos. 17266, 17267, 17268.)

This action was based on interstate shipments of quantities of a product invoiced as Roma oil, billed and labeled on the case "Olive Oil," and bearing on the can labels statements in the Italian language and a picture of the Colosseum at Rome. Examination showed that the article consisted largely of cottonseed oil with little, if any, olive oil present. The article was in quart, half-gallon, and gallon containers, samples of each of which sizes were found short of the declared volume.

On November 10, 1931, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid, an information against Anthony Maggiore, trading as Oriental Products Co., Canton, Ohio, alleging shipment by said defendant in violation of the food and drugs act as amended, from the State of Ohio into the State of Michigan, in part on or about December 15, 1930, and in part on or about February 4, 1931, of quantities of alleged olive oil that was adulterated and misbranded. The article was billed as olive oil and was labeled: (Case) "Roma Olive Oil Packed by Oriental Products Co., New York;" (can) "Olio Sopraffino Per Uso Tavola E Medicinale Roma [design of Colosseum at Rome] Il Famoco Antico Anfiteatro D'Italia Net Contents One Quart [or "Half Gallon" or "Gallon"] Questo Olio Roma E Impaccato Dalla Stessa Ditta Che Impacca L'Olio Puro D'Oliiva Marca Iberio, E Che Importa Il Famoso Olio D'Oliiva Porto Maurizio Italia."

It was alleged in the information that the article was adulterated in that a substance, cottonseed oil, had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted in part for olive oil, which the article purported to be. Adulteration was alleged for the further reason that the article was sold under a name recognized in the United States Pharmacopœia, and differed from the standard of strength, quality, and purity as determined by the test laid down in the said