21351. Misbranding of olive oil. U. S. v. 79 Half-Gallon Cans and Thirty Gallon Cans of Olive Oil. Default decree of condemnation, forfeiture, and sale. (F. & D. no. 30627. Sample nos. 32139–A, 32140–A.)

This case involved quantities of olive oil which was found to be short volume.

On June 20, 1933, the United States attorney for the Middle District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of fifteen 1-gallon cans and 15 half-gallon cans of olive oil at Scranton, Pa. On September 1, 1933, an order was entered amending the libel to cover 79 half-gallon cans and thirty 1-gallon cans. It was alleged in the libel as amended that the article had been shipped in interstate commerce on or about December 19, 1931, by A. Russo & Co., from Chicago, Ill., and that it was misbranded in violation of the Food and Drugs Act as amended. The article was labeled in part: "One Gallon Net [or "One Half Gallon Net"] Diana Brand Superfine Olive Oil Imported by A. Russo & Co."

The libel charged that the article was misbranded in that the statements on the labels, "One Gallon" and "One Half Gallon", were 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 packages, since the statements made were incorrect.

On September 25, 1933, 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 relabeled and sold by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21352. Adulteration of butter. U. S. v. Plains Cooperative, Inc. Plea of guilty. Fine, $25. (F. & D. no. 30232. Sample no. 4665–A.)

This case was based on an interstate shipment of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter established by Congress.

On July 22, 1933, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Plains Cooperative, Inc., Plainview, Tex., alleging shipment by said company in violation of the Food and Drugs Act, on or about August 9, 1932, from the State of Texas into the State of Illinois, of a quantity of butter which was adulterated.

It was alleged in the information that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which must contain not less than 80 percent by weight of milk fat, as required by the act of Congress of March 4, 1923, which the article purported to be.

On September 25, 1933, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of $25.

M. L. WILSON, *Acting Secretary of Agriculture.*

21353. Misbranding of fruit sirups. U. S. v. 8 Cases of Fruit Punch Syrup and 6 Cases of Strawberry Syrup. Default decrees of condemnation, forfeiture, and destruction. (F. & D. no. 30887. Sample nos. 50060–A, 50064–A.)

These cases involved products represented to be pure fruit sirups, which were found to consist of mixtures of sugar, water, fruit juice, and undeclared, added acid. The declaration of the quantity of the contents was made in ounces and not in terms of the largest unit and of liquid measure.

On August 10, 1933, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court, libels praying seizure and condemnation of 8 cases of fruit punch sirup and 6 cases of strawberry sirup at Philadelphia, Pa., alleging that the articles had been shipped in interstate commerce, on or about June 21, 1932, by the Orchard Products Co., from Chicago, Ill., and charging misbranding in violation of the Food and Drugs Act as amended. The articles were labeled "16 Oz. Net Weight."

It was alleged in the libel that the articles were misbranded in that the statements on the labels, "Pure Fruit Punch Syrup * * * made from the juice of fresh fruit and rock candy Syrup", and "Pure Strawberry Syrup * * * made from the juice of fresh strawberries and rock candy syrup",

were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the articles were offered for sale under the distinctive names of other articles, and for the further reason that it was in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages, since the statements made were not in terms of the largest unit and in terms of liquid measure.

On September 5, 1933, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the products be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21354. Adulteration of blueberries. U. S. v. 5 Crates of Blueberries. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30967. Sample no. 46952–A.)

This case involved an interstate shipment of blueberries which were found to contain maggots.

On August 9, 1933, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of five crates of blueberries at Boston, Mass., consigned August 8, 1933, alleging that the article had been shipped in interstate commerce by Alice E. Tasker, from Barnstead, N.H., 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.

On August 18, 1933, 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.

M. L. WILSON, *Acting Secretary of Agriculture.*

21355. Adulteration of crab meat. U.S. v. 2 Barrels of Crab Meat. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30840. Sample no. 43235–A.)

This case involved a shipment of crab meat which was contaminated with fecal *B. coli*, and was in part decomposed.

On July 13, 1933, 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 a libel praying seizure and condemnation of 2 barrels containing two hundred and forty-eight 1-pound cans of crab meat at New York, N.Y., alleging that the article had been shipped in interstate commerce on or about July 10, 1933, by the Bluff Point Co., from Philadelphia, Pa., 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 whole or in part of a filthy and decomposed animal substance.

On August 12, 1933, 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.

M. L. WILSON, *Acting Secretary of Agriculture.*

21356. Adulteration of flour. U. S. v. Sixty-six 12-Pound Sacks, et al., of Flour. Default decrees of condemnation and destruction. (F. & D. nos. 30801, 30802. Sample no. 39207–A.)

These cases involved a shipment of flour which was heavily infested with weevils and larvae.

On August 2, 1933, the United States attorney for the Southern District of Georgia, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of sixty-six 12-pound sacks, forty-seven 24-pound sacks, and nine 6-pound sacks of flour at Savannah, Ga., alleging that the article had been shipped in interstate commerce on or about April 22, 1933, by Mero Mills, from Nashville, Tenn., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "South Down Self Rising Flour."

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

On August 25, 1933, no claimant having appeared for the property, judgments of condemnation were entered, and it was ordered by the court that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*