

On January 10, 1934, judgment was entered by default ordering the product condemned, forfeited, and destroyed.

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

21908. Misbranding of olive oil. U. S. v. 14 Cans of Olive Oil. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31277. Sample nos. 56236-A, 56256-A.)

Sample cans of olive oil taken from the shipment involved in this case were found to contain less than 1 gallon, the labeled volume.

On October 28, 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 a libel praying seizure and condemnation of 14 cans of olive oil at Dallas, Tex., alleging that the article had been shipped in interstate commerce on or about September 11, 1933, by Uddo-Taormina Corporation, from Brooklyn, N.Y., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled, in part: "Pure Olive Oil * * * Imported by Uddo-Taormina Corp., Italy, Contents One Gallon."

It was alleged in the libel that the article was misbranded in that the statement, "Net Contents One Gallon", borne on the label, was false and misleading, since the article was short volume.

On January 9, 1934, 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.*

21909. Misbranding of egg noodles. U. S. v. Keystone Macaroni Mfg. Co. Plea of nolo contendere. Fine, \$25. (F. & D. no. 31363. Sample nos. 11124-A, 11167-A.)

This case involved shipments of egg noodles in packages that contained less than the labeled weight.

On January 2, 1934, the United States attorney for the Middle District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Keystone Macaroni Manufacturing Co., a corporation, Lebanon, Pa., alleging shipment by said company in violation of the Food and Drugs Act, in part on or about August 16, 1932, and in part on or about November 12, 1932, from the State of Pennsylvania into the State of New York, of quantities of egg noodles that were misbranded. The article was labeled in part: "Krasdale Brand Egg Noodles, A. Krasne Wholesale Distributor New York * * * Net Weight 6 Ounces."

It was alleged in the information that the article was misbranded in that the statement, "Net Weight 6 Ounces", was false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since the packages contained less than 6 ounces. 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 incorrect.

On January 16, 1934, a plea of nolo contendere was entered on behalf of the defendant company, and the court imposed a fine of \$25.

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

21910. Adulteration of dressed poultry. U. S. v. Gooding Cooperative Creamery. Plea of guilty. Fine, \$50. (F. & D. no. 31366. Sample no. 17253-A.)

Samples of dressed poultry taken from the shipment involved in this case were found to be emaciated, diseased, and decomposed.

On January 15, 1934, the United States attorney for the District of Idaho, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Gooding Cooperative Creamery, a corporation, Gooding, Idaho, alleging shipment by said company in the name of and by means of its agent, the Jerome Cooperative Creamery, on or about October 1, 1932, from the State of Idaho into the State of California, of a quantity of dressed poultry that was adulterated.

It was alleged in the information that the article was adulterated in that it consisted in part of a filthy and decomposed animal substance, in that it consisted of portions of animals unfit for food, and in that it was a product of diseased animals.