

**22111. Adulteration of canned tomato ketchup. U. S. v. 80 Cases of Tomato Ketchup. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31547. Sample no. 54325-A.)**

This case involved a shipment of canned tomato ketchup which was found to contain excessive mold.

On November 6, 1933, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 80 cases of tomato ketchup at Baltimore, Md., alleging that the article had been shipped in interstate commerce on or about September 19, 1933, by B. T. Branham & Co., from Front Royal, Va., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Can) "Green Valley Brand Whole Tomato Ketchup \* \* \* Packed by B. T. Branham & Co., Front Royal, Va."

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

On February 23, 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.*

**22112. Adulteration of canned shrimp. U. S. v. 100 Cases, et al., of Canned Shrimp. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31597. Sample nos. 37390-A to 37393-A.)**

This case involved quantities of canned shrimp which was found to be in part decomposed.

On November 16, 1933, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 775 cases of canned shrimp, in part at Tacoma, Wash., and in part at Yakima, Wash., alleging that the article had been shipped in interstate commerce on or about September 1, 1933, by the Gulf Coast Products Co., Inc., from New Orleans, La., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Gulf Coast Brand Shrimp \* \* \* Packed by Gulf Coast Products Co., Inc., Point-A-La-Hache, La."

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

On March 13, 1934, default was entered and it was ordered by the court that the product be condemned, forfeited, and destroyed and that costs be assessed against the claimant, the Gravelot Packing Co.

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

**22113. Misbranding of salad oil. U. S. v. 16 Cans and 21 Cans of Salad Oil. Default decree of condemnation and forfeiture. Product delivered to relief agency. (F. & D. no. 31598. Sample nos. 51341-A, 51342-A.)**

This case involved a product labeled to convey the impression that it consisted of olive oil of foreign origin. Examination showed that the article consisted principally of domestic cottonseed oil, and that the cans were short of the declared volume.

On November 17, 1933, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 37 cans of salad oil at West New York, N.J., alleging that the article had been shipped in interstate commerce, on or about October 25, 1933, by the Hoffman Oil Co., from Brooklyn, N.Y., and charging misbranding in violation of the Food and Drugs Act as amended.

It was alleged in the libel that the article was misbranded in that the statement, "La Vergine Brand Finest Quality Oil Lucca", and the picture of an olive tree and a woman bearing a pitcher of olive oil, appearing on the label of a portion of the article, and the statement, "Olio Puro Prima Qualita Conte Di Savoia Brand Lucca", together with designs of olive branches and a crown, appearing on the labeling of the remainder, were false and misleading and deceived and misled the purchaser, since they implied that the article was pure olive oil, whereas it consisted in large part of cottonseed oil. Misbranding was alleged for the further reason that the statements on the respective labels, "Net Contents One Gallon" and "Net Contents 1 Gallon", were false and misleading and deceived and misled the purchaser; for the further reason that the article purported to be a foreign product, whereas it consisted in large

part of domestic cottonseed oil, and 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 quantity stated was not correct.

On February 21, 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 delivered to a relief agency.

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

**22114. Adulteration of canned tomatoes. U. S. v. 795 Cases of Canned Tomatoes. Default decree of condemnation, forfeiture, and destruction. (F. & D. nos. 31604, 31631. Sample no. 46769-A.)**

This case involved a shipment of canned tomatoes which were found to contain insect larvae.

On November 25, 1933, the United States attorney for the Southern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 795 cases of canned tomatoes in part at Houston, Tex., and in part at College Station, Tex., alleging that the article had been shipped in interstate commerce, on or about October 14, 1933, by A. W. Sisk & Son, from Baltimore, Md., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Red-Glo Brand Tomatoes \* \* \* Albert W. Sisk & Son, Distributors, Preston, Md."

It was alleged in the libel that the article was adulterated in that it contained insect larvae.

On March 19, 1934, no claimant having appeared, 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.*

**22115. Adulteration of canned shrimp. U. S. v. 428 Cases of Canned Shrimp. Consent decree of condemnation and forfeiture. Product released under bond for segregation and destruction of decomposed portion. (F. & D. no. 31634. Sample no. 51808-A.)**

This case involved a shipment of canned shrimp which was found to be in part decomposed.

On November 27, 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 428 cases of canned shrimp at New York, N.Y., alleging that the article had been shipped in interstate commerce, on or about October 11, 1933, by L. P. Maggioni & Co., from Savannah, Ga., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Mermaid Brand Shrimp \* \* \* Packed by L. P. Maggioni & Co., \* \* \* Savannah, Ga."

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

On March 9, 1934, L. P. Maggioni & Co., 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 claimant upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned in part that it be examined under the supervision of this Department and the decomposed portion destroyed.

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

**22116. Adulteration of butter. U. S. v. 9 Tubs of Butter. Default decree of condemnation and forfeiture. Product delivered to charitable institution. (F. & D. no. 31651. Sample no. 51902-A.)**

This case involved a shipment of butter which contained less than 80 percent of milk fat.

On November 9, 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 nine tubs of butter at New York, N.Y., alleging that the article had been shipped in interstate commerce, on or about October 21, 1933, by the Nebraska Cooperative Creamery, Inc., from Omaha, Nebr., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for