

On May 4, 1934, Ralph E. Richardson entered a plea of nolo contendere and was fined \$5. On the same date a plea of guilty was entered on behalf of the Nash-Corrigan Co., and the court imposed a fine of \$20.

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

22395. Adulteration of salmon. U. S. v. Standard Packing Co. Plea of guilty. Fine, \$100 and costs. (F. & D. no. 31423. Sample nos. 14845-A, 25853-A, 26063-A.)

This case was based on an interstate shipment of canned salmon that was found to be in part tainted or stale.

On May 9, 1934, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Standard Packing Co., a corporation, Seattle, Wash., alleging shipment by said company, in violation of the Food and Drugs Act, on or about August 13, 1932, from the Territory of Alaska into the State of Washington, of a quantity of canned salmon which was adulterated.

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

On May 15, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$100 and costs.

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

22396. Adulteration of oysters. U. S. v. Nelson R. Coulbourn. Plea of nolo contendere. Fine, \$10 and costs. (F. & D. no. 31426. Sample no. 32866-A.)

This case was based on a shipment of oysters that contained excessive water.

On May 2, 1934, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Nelson R. Coulbourn, Crisfield, Md., alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about November 16, 1932, from the State of Maryland into the State of New York, of a quantity of oysters that were adulterated. The article was labeled in part: "Crisfield Oysters * * * Packed at Crisfield, Md., by N. R. Coulbourn."

It was alleged in the information that the article was adulterated in that excessive water had been mixed and packed therewith so as to lower, reduce, and injuriously affect its quality and strength, and had been substituted in part for oysters, which the article purported to be.

On May 2, 1934, the defendant entered a plea of nolo contendere, and the court imposed a fine of \$10 and costs.

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

22397. Adulteration of split peas. U. S. v. The Chas. H. Lilly Co. Plea of guilty. Fine, \$50 and costs. (F. & D. no. 31428. Sample no. 21572-A.)

This case was based on an interstate shipment of split peas that were found to contain a large percentage of worm-eaten peas and dead insects.

On February 28, 1934, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Chas. H. Lilly Co., a corporation trading at Seattle, Wash., alleging shipment by said company, in violation of the Food and Drugs Act, on or about January 7, 1933, from the State of Washington into the State of New York, of a quantity of split peas that were adulterated.

It was alleged in the information that the article was adulterated in that it consisted in whole and in part of a filthy vegetable substance.

On May 7, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$50 and costs.

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

22398. Adulteration and misbranding of oysters. U. S. v. W. H. Killian Co. Plea of nolo contendere. Fine, \$50. (F. & D. no. 31429. Sample no. 4594-A.)

This case was based on a shipment of oysters that contained excessive water.

On June 1, 1934, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the W. H. Killian Co., a corporation, Baltimore, Md., alleging shipment by said company, in violation of the Food and Drugs Act.

on or about December 15, 1932, from the State of Maryland into the State of Michigan, of a quantity of oysters that were adulterated and misbranded. The article was labeled in part: (Can) "Cap'n John's Fresh Raw Oysters * * * All Pure Food Laws Complied With * * * The Great Atlantic and Pacific Tea Co., New York, N. Y., Distributors."

It was alleged in the information that the article was adulterated in that a substance, excessive water, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and had been substituted in part for oysters, which the article purported to be. Adulteration was alleged for the further reason that a valuable constituent of the article, oyster solids, had been in part abstracted.

Misbranding was alleged for the reason that the statement, "All Pure Food Laws Complied with", borne on the can, was false and misleading, and for the further reason that it was labeled so as to deceive and mislead the purchaser, since it did not comply with the Food and Drugs Act of June 30, 1906.

On June 1, 1934, a plea of nolo contendere was entered on behalf of the defendant company, and the court imposed a fine of \$50.

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

22399. Adulteration and misbranding of tomato puree. U. S. v. 50 Cases of Puree. Default decree entered. Product delivered to charitable organizations. (F. & D. no. 31873. Sample nos. 45173-A, 56402-A.)

This case involved a shipment of tomato puree which was deficient in tomato solids.

On January 23, 1934, the United States attorney for the Southern District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 50 cases of tomato puree at Mobile, Ala., alleging that the article had been shipped in interstate commerce on or about December 20, 1933, by the Delta Canneries, Inc., from Stockton, Calif., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Winter Garden Puree * * * Packed by Delta Canneries Stockton, Calif."

It was alleged in the libel that the article was adulterated in that an insufficiently concentrated tomato product had been substituted for tomato puree, which the article purported to be.

Misbranding was alleged for the reason that the statement on the label, "Puree", was false and misleading and deceived and misled the purchaser, since the said statement represented that the article was tomato puree; whereas an insufficiently concentrated tomato product made from tomatoes and tomato trimmings had been substituted for tomato puree. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article.

On February 21, 1934, no claimant having appeared, a decree was entered sustaining the allegations of the libel. On April 12, 1934, the court having found that the product was wholesome and fit for human consumption, final decree was entered, ordering that it be delivered to charitable organizations.

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

22400. Misbranding of salad oil. U. S. v. 28 Cans, et al., of Salad Oil. Product released under bond for repacking. (F. & D. nos. 31923, 31924, 31975, 32012. Sample nos. 52139-A, 52140-A, 52141-A, 52150-A, 67407-A.)

These cases involved a product which consisted principally of domestic cottonseed oil which was labeled to convey the impression that it was olive oil of foreign origin.

On January 30, February 13, and February 20, 1934, the United States attorney for the District of New Jersey, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 196 gallon cans and 42 half-gallon cans of salad oil, in part at Lyndhurst, N. J., and in part at Newark, N. J., alleging that the article had been shipped in interstate commerce, in various shipments between the dates of May 4, 1933, and January 26, 1934, by the Moosalina Products Corporation, from Brooklyn, N. Y., and charging misbranding in violation of the Food and Drugs Act.

It was alleged in the libel that the article was misbranded in that the statements on the main panel of the can, "Oil Lucca Toscana Brand" and "Marca Lucca Toscana", and on the top of the can, "The Contents of Olive Oil in this can is imported from Italy", together with the design of olive branches and