

district court a libel praying seizure and condemnation of 32 cases of olive oil at Scranton, Pa., alleging that the article had been shipped in interstate commerce, on or about May 3, 1933, and February 27, 1934, by Strohmeier & Arpe Co., from New York, N. Y., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "One Gallon Anita B and Pure Olive Oil Imported Product United Pure Food Co., N. Y. Importers and Packers."

It was alleged in the libel that the article was misbranded in that the statement on the label, "One Gallon", was false and misleading and tended to deceive and mislead 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 incorrect.

On June 19, 1934, Strohmeier & Arpe 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 \$500, conditioned that it be relabeled to show the exact quantity of the contents.

M. L. WILSON, Acting Secretary of Agriculture.

22747. Adulteration of noodles. U. S. v. 20 Boxes of Noodles. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32506. Sample no. 60738-A.)

This case involved the shipment of a quantity of noodles which contained excessive moisture.

On April 4, 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 a libel praying seizure and condemnation of 20 boxes of noodles at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about March 24, 1934, by Republic Noodle Factory, from San Francisco, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Package) "Red Triangle 5 lbs. Net Chinese Noodles Plain Republic Noodle Factory San Francisco, Calif."

It was alleged in the libel that the article was adulterated in that a substance containing excessive moisture had been substituted for noodles.

On January 28, 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.

22748. Adulteration of apple butter. U. S. v. 92 Cases of White House Apple Butter. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32513. Sample no. 60882-A.)

This case involved the shipment of a quantity of apple butter which contained insect larvae and other filth.

On April 7, 1934, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 92 cases of apple butter at Springfield, Ohio, alleging that the article had been shipped in interstate commerce on or about January 23, or February 6, 1934, by the National Fruit Products, Inc., from Winchester, Va., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "White House Apple Butter."

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

On June 16, 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.

22749. Adulteration of canned tomatoes. U. S. v. 211 Cases of Canned Tomatoes. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32515. Sample no. 61971-A.)

This case involved a shipment of canned tomatoes which were infested with insect larvae.

On April 9, 1934, 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 211 cases of tomatoes at Dallas, Tex., alleging that the article had been shipped in interstate commerce, on or about February 16, 1934, by the Johnson Canning Co., from Johnson, Ark., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Cream of the Valley Brand Tomatoes * * * Johnson Canning Co., * * * Johnson, Ark."

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

On June 12, 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.*

22750. Adulteration of tomato puree. U. S. v. 3,200 Dozen Cans of Tomato Puree. Consent decree of condemnation and forfeiture. Product released under bond for segregation and destruction of unfit portion. (F. & D. no. 32516. Sample no. 67786-A.)

This case involved a shipment of tomato puree, samples of which were found to contain mold.

On April 9, 1934, 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 3,200 dozen cans of tomato puree at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about October 12 and November 6, 1933, by the North East Preserving Works, Inc., from North East, Pa., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Connoisseur Tomato Puree * * * Packed for Jules Weber Incorporated, New York."

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

On June 8, 1934, the North East Preserving Works, Inc., 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 \$3,000, conditioned that the unfit portion be segregated and destroyed or denatured, under the supervision of this Department.

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

22751. Adulteration and misbranding of confectionery. U. S. v. 36 Boxes of Confectionery. Default decree of forfeiture and destruction. (F. & D. no. 32521. Sample no. 65856-A.)

This case involved a product labeled "Cordials (Not a Confection)." The article was in fact confectionery containing alcohol.

On April 11, 1934, the United States attorney for the Eastern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 36 boxes of confectionery at Danville, Ill., alleging that the article had been shipped in interstate commerce on or about March 31, 1934, by C. A. Stagg, from Indianapolis, Ind., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated under the provisions of the law relating to confectionery, in that it contained spirituous liquor.

Misbranding was alleged under the provisions of the law relating to food, in that the statement on the label, "Cordial (Not a Confection)", was false and misleading and tended to deceive and mislead the purchaser.

On July 6, 1934, no claimant having appeared for the property, judgment of 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.*

22752. Adulteration of apple butter. U. S. v. 50 Cases, et al., of Apple Butter. Consent decrees of condemnation. Product released under bond. (F. & D. nos. 32522, 32523, 32524. Sample nos. 1101-A, 1102-A, 1103-A.)

These cases involved interstate shipments of apple butter that was found to contain arsenic and lead.

On April 9, 1934, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the