

23910. Misbranding of olive oil. U. S. v. 120 Tins of Olive Oil. Default decree of condemnation and forfeiture. Product delivered to a public institution. (F. & D. no. 33124. Sample no. 664-B.)

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

On July 26, 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 120 tins of olive oil at Tacoma, Wash., alleging that the article had been shipped in interstate commerce on or about June 28, 1934, by the Fair Oaks Fruit Co., from Fair Oaks, Calif., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Net Contents One Gallon San Juan Brand Pure Olive Oil, Fair Oaks, Fruit Co., Fair Oaks, Calif."

The article was alleged to be misbranded in that the statement on the label, "Net Contents 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 December 24, 1934, no claimant having appeared, judgment of condemnation and forfeiture was entered and it was ordered that the product be delivered to a public institution.

M. L. WILSON, Acting Secretary of Agriculture.

23911. Adulteration of gaffelbiter (fish). U. S. v. 19 Cases of Imported Gaffelbiter. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 33134. Sample no. 2604-B.)

This case involved a shipment of gaffelbiter (fish) that were found to be decomposed due to secondary fermentation.

On July 28, 1934, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 19 cases, each containing 12 jars of gaffelbiter, at Chicago, Ill., alleging that the article had been shipped in interstate commerce, on or about May 21, 1934, by Joannes Bros. Co., from Green Bay, Wis., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Hanson's Imported Gaffelbiter 5-Oz.-Hanson Fish Products Co. Duluth, Minn."

The article was alleged to be adulterated in that it consisted wholly or in part of a decomposed animal substance.

On September 26, 1934, no claimant having appeared, judgment of condemnation and forfeiture was entered and destruction of the product was ordered.

M. L. WILSON, Acting Secretary of Agriculture.

23912. Adulteration of canned sardines. U. S. v. 6½ Cases of Canned Sardines. Default decree of condemnation and destruction. (F. & D. no. 33135. Sample no. 6106-B.)

This case involved a shipment of canned sardines which were found to be underprocessed and decomposed.

On July 31, 1934, the United States attorney for the Middle District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 6½ cases of canned sardines at Ocilla, Ga., alleging that the article had been shipped in interstate commerce on or about September 2, 1933, by the Wass & Stinson Canning Co., from Waukegan, Maine, and charging adulteration in violation of the Food and Drugs Act.

The article was labeled in part: "Beach Cliff Brand Maine Sardines * * * Packed by Wass & Stinson Canning Co. Prospect Harbor, Maine."

The article was alleged to be adulterated in that it consisted wholly or in part of a decomposed animal substance.

On November 17, 1934, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, Acting Secretary of Agriculture.

23913. Misbranding of alfalfa leaf meal. U. S. v. 225 Bags of Alfalfa Leaf Meal. Decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. no. 33136. Sample no. 8326-B.)

This case involved a shipment of alfalfa leaf meal that contained less protein and more fiber than declared on the label. The article was also falsely labeled as to the name of the manufacturer.