

24145. Adulteration of tomato puree. U. S. v. 824 Cases of Tomato Puree. Default decree of condemnation and destruction. (F. & D. no. 34381. Sample no. 17616-B.)

This case involved an interstate shipment of tomato puree which was found to contain excessive mold.

On November 15, 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 824 cases of tomato puree at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about September 18, 1934, by the Butterfield Canning Co., from Muncie, Ind., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Sun Red Brand Tomato Puree * * * Packed by Butterfield Canning Co. Muncie, Ind."

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

On December 8, 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.*

24146. Misbranding of salad oil. U. S. v. 35 Cartons of Salad Oil. Default decree of condemnation and destruction. (F. & D. no. 34394. Sample no. 24001-B.)

This case involved a product consisting principally of domestic cottonseed oil which was labeled to convey the impression that it was olive oil of foreign origin.

On November 17, 1934, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 35 cartons of salad oil at Easton, Pa., alleging that the article had been shipped in interstate commerce on or about June 11, 1934, by Angelo D. Polizzi, from Rochester, N. Y., and charging misbranding in violation of the Food and Drugs Act.

The article was alleged to be misbranded in that the brand name "La Feroce" in a foreign tongue, together with the picture of a foreign scene and the prominence given the words "Pure Olive Oil" on the label, and the predominantly green color of the label, were misleading and tended to deceive and mislead the purchaser, since they created the impression that the article was imported olive oil; whereas it was principally domestic cottonseed oil. Misbranding was alleged for the further reason that the article purported to be a foreign product when not so.

On December 8, 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.*

24147. Misbranding of salad oil. U. S. v. Fifty-five 1-Gallon Cans of Salad Oil. Default decree of condemnation and destruction. (F. & D. no. 34441. Sample no. 17265-B.)

This case involved an interstate shipment of a product, consisting essentially of cottonseed oil with little or no olive oil present, which was labeled to convey the impression that it was olive oil of foreign origin.

On November 26, 1934, 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 fifty-five 1-gallon cans of salad oil at Newark, N. J., alleging that the article had been shipped in interstate commerce on or about September 1, 1934, by the Delizia Olive Oil Co., Inc., from New York, N. Y., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Olio Finissimo Garantito La Deliziosa * * * Packed by Delizia Olive Oil Co. Inc."

The article was alleged to be misbranded in that the statements "Olio Finissimo Garantito La Deliziosa", the prominent words in the name of the company, "Olive Oil Co.", and the statement "Quest'olio e delizioso e raccomanda-to specialmente per insalata salse frittura e tutti gli use di tavola e cucina", together with a design of an olive branch, borne on the label, were misleading and tended to deceive and mislead the purchaser, since they created the impression that the article was Italian olive oil; whereas it was not. Misbranding was alleged for the further reason that the article purported to be a foreign product when not so.

On December 28, 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.*