

**24593. Adulteration of canned shrimp. U. S. v. 74 Cases of Canned Shrimp. Consent decree of condemnation. Product released under bond for segregation and destruction of unfit portion. (F. & D. no. 35033. Sample no. 29275-B.)**

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

On or about January 31, 1935, 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 74 cases of canned shrimp at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about September 25, 1934, by the Deer Island Fish & Oyster Co., from Bayou Labatre, Ala., and charging adulteration in violation of the Food and Drugs Act.

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

On April 16, 1935, the Messcher Brokerage Co., Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that the decomposed portion be segregated and destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24594. Adulteration of walnut meats. U. S. v. 253 Cases of Walnut Meats. Product released under bond for segregation and destruction of unfit portion. (F. & D. no. 35042. Sample nos. 11927-B, 11928-B.)**

This case involved shipments of walnut meats which were in part wormy and moldy.

On January 30, 1935, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 253 cases of walnut meats at Salt Lake City, Utah, alleging that the article had been shipped in interstate commerce between the dates of September 5, 1934, and January 15, 1935, by M. Laff, from Los Angeles, Calif., and charging adulteration in violation of the Food and Drugs Act.

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

On February 9, 1935, the W. H. Bintz Co., Salt Lake City, Utah, claimant, having admitted that the product was in part wormy and moldy, judgment was entered ordering that it be released under bond conditioned that it be sorted and regraded and the unfit portion destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24595. Misbranding of olive oil. U. S. v. 29 Cans of Alleged Olive Oil. Default decree of condemnation and destruction. (F. & D. no. 35047. Sample no. 25869-B.)**

This case involved a product consisting chiefly of domestic cottonseed oil containing little or no olive oil, which was labeled to create the impression that it was pure olive oil.

On January 31, 1935, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 29 gallon cans of alleged olive oil at Worcester, Mass., alleging that the article had been shipped in interstate commerce on or about January 18, 1935, by Montecalvo Bros., from Providence, R. I., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Vieste Gargano Brand Pure Olive Oil."

The article was alleged to be misbranded in that the following statements "Vieste Gargano Pure Olive Oil", "Olio Puro di Oliva", "Prodotto Di Vieste-Italia Impaccato dal Vieste Gargano Co. The olive oil contained in this can is of finest quality & guaranteed absolutely pure under chemical analysis", "L'olio di oliva impaccato in questa latta e' garentito puro sotto analisi chimica", and the designs of branches bearing olives, appearing on the label, were false and misleading and tended to deceive and mislead the purchaser, since the product was chiefly domestic cottonseed oil with little or no olive oil. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article, namely, olive oil, and that it purported to be a foreign product when not so.

On April 8, 1935, no claimant having appeared, judgment of condemnation was entered, and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24596. Adulteration of canned mackerel. U. S. v. 524 Cases of Canned Mackerel. Portion of product condemned and destroyed. Remainder released. (F. & D. no. 35067. Sample no. 27524-B.)**

This case involved a shipment of canned mackerel which was in part decomposed.

On February 5, 1935, 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 524 cases of canned mackerel at Baltimore, Md., alleging that the article had been shipped in interstate commerce on or about September 14, 1934, by the Seaboard Packing Corporation, from Los Angeles, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Dixiland Brand Mackerel \* \* \* Packed by Seaboard Packing Corporation, Long Beach, California."

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

On February 21, 1935, an order of the court was entered permitting joint sampling of the product by the consignee and this Department, the results of which showed that portions identified by certain code marks were decomposed and that the remainder was fit for human consumption. On March 29, 1935, judgment was entered ordering the condemnation and destruction of the decomposed portions and the release of the fit portion upon payment of costs by the consignees.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24597. Adulteration of apples. U. S. v. 21 Bushels of Apples. Default decree of condemnation and destruction. (F. & D. no. 35082. Sample no. 18610-B).**

Examination of the apples involved in this case showed the presence of arsenic and lead in amounts that might have rendered them injurious to health.

On October 23, 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 21 bushels of apples at Rockford, Ill., alleging that the article had been shipped in interstate commerce on or about October 15, 1934, by the B. & G. Fruit Co., from Benton Harbor, Mich., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Grimes Golden Washed Apples \* \* \* Gail Johnson So Haven Mich."

The article was alleged to be adulterated in that it contained added poisonous and deleterious ingredients, arsenic and lead, in amounts that might have rendered it injurious to health.

On April 15, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24598. Adulteration of tangerines. U. S. v. 125 Boxes of Tangerines. Default decree of condemnation and destruction. (F. & D. no. 35101. Sample no. 24176-B.)**

This case involved a shipment of tangerines which were in part decomposed.

On January 21, 1935, 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 125 boxes of tangerines at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about January 17, 1935, by A. D. Symonds & Son, from Orlando, Fla., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "A D S Brand Oranges & Grapefruit \* \* \* A. D. Symonds & Son, Orlando, Fla."

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

On February 13, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*