

N. Y." The remainder was labeled: "Extra Quality Pure Semolina Macaroni M. Lucatelli Brand Distributors New Jersey Importing Co. Hoboken, N. Y."

The article was alleged to be adulterated in that a product containing soybean meal and added color, turmeric, had been substituted for macaroni, which the article purported to be; and for the further reason that it was colored in a manner whereby inferiority was concealed.

Misbranding was alleged for the reason that the statements on the labels, "Macaroni Made from Pure Semolina" and "Extra Quality Pure Semolina Macaroni", were false and misleading and tended to deceive and mislead the purchaser.

On August 20 and September 4, 1935, no claimant having appeared, judgments of condemnation were entered and it was ordered that the product be destroyed.

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

24957. Adulteration and misbranding of olive oil color and olive oil flavor. U. S. v. 8 Gallons of Colora Da Olio de Oliva, et al. Default decrees of condemnation and destruction. (F. & D. nos. 35580, 35581. Sample nos. 24455-B, 24456-B.)

These cases involved products sold as substances for coloring and flavoring oils. Examination showed that both products contained an unpermitted coal-tar color, and that the coloring substance also contained excessive lead.

On May 29, 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 libels praying seizure and condemnation of 8 gallons of Colora Da Olio de Oliva and 17 gallons of Olive Concentrol at Philadelphia, Pa., alleging that the articles had been shipped in interstate commerce on or about January 22, 1935, by L. Feldman & Co., from New York, N. Y., and charging adulteration and misbranding in violation of the Food and Drugs Act. The articles were labeled in part: "Gustav Schraff Fabrik Mainz Colora Da Olio de Oliva [or "Olive Concentrol"]."

The olive-oil color was alleged to be adulterated in that it contained added deleterious ingredients, namely, Quinizarine green, an unpermitted coal-tar color, and an excessive amount of lead, which might have rendered it injurious to health. The olive-oil flavor was alleged to be adulterated in that an article containing artificial flavor and artificial color had been substituted for olive-oil flavor, which the article purported to be; and for the further reason that it contained an added deleterious ingredient, Quinizarine green, which might have rendered it harmful to health.

Misbranding was alleged for the reason that the articles were offered for sale under the distinctive names of other articles, namely, "Imported Oil Color" and "Imported Olive Oil Flavor." Misbranding of the olive-oil flavor was alleged for the further reason that the statement on the label, "Olive Concentrol", was false and misleading and tended to deceive and mislead the purchaser.

On July 8, 1935, no claimant having appeared, judgments of condemnation were entered and it was ordered that the products be destroyed.

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

24958. Misbranding of canned pears. U. S. v. 36 Cases and 115 Cases of Canned Pears. Decrees of condemnation. Product released under bond to be relabeled. (F. & D. nos. 35585, 35655. Sample nos. 36230-B, 36232-B.)

These cases involved shipments of canned pears which fell below the standard established by the Secretary of Agriculture, and which were not labeled to indicate that they were substandard.

On May 29 and June 18, 1935, the United States attorney for the District of Massachusetts, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 115 cases of canned pears at Worcester, Mass., alleging that the article had been shipped in interstate commerce on or about February 19 and March 20, 1935, by the Arthur L. Johnson Co., from Providence, R. I., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "On the Level Brand * * * Bartlett Pears * * * Packed by The Packwell Corporation Oakland, Calif."

The article was alleged to be misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture, since it was not uniform in size and was not in unbroken halves, and its package or label did not bear a plain and conspicuous statement

prescribed by regulation of this Department indicating that it fell below such standard.

On August 19 and 20, 1935, the Packwell Corporation, claimant, having admitted the allegations of the libels, judgments of condemnation were entered and it was ordered that the product be released under bond conditioned that it be relabeled under the supervision of this Department.

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

24959. Adulteration and misbranding of olive oil. U. S. v. 19 Cans and 28 Cans of Alleged Olive Oil. Default decree of condemnation. Product delivered to charitable institutions. (F. & D. no. 35611. Sample nos. 31251-B, 31252-B.)

This case involved a shipment of alleged olive oil which was found to consist in part of oils other than olive oil.

On May 24, 1935, the United States attorney for the District of Connecticut, acting upon a report by an official of the State of Connecticut, filed in the district court a libel praying seizure and condemnation of forty-seven 1-gallon cans of alleged olive oil at Waterbury, Conn., alleging that the article had been shipped in interstate commerce on or about May 1, 1935, by A. Verde, from New York, N. Y., and charging adulteration and misbranding in violation of the Food and Drugs Act. A portion of the article was labeled: "Riviera Brand, Pure Olive Oil, Imported from Lucca, Toscana, Italy." The remainder was labeled in part, "Acomofa Brand, Imported Product, Sublime Olive Oil."

The article was alleged to be adulterated in that sunflower, peanut, or other oil had been substituted in part for olive oil, which the article purported to be.

Misbranding was alleged for the reason that the following statements on the labels were misleading and tended to deceive and mislead the purchaser: "Riviera Brand, Pure Olive Oil, Imported from Lucca, Toscana, Italy", "Acomofa Brand, Imported Product, Sublime Olive Oil." Misbranding was alleged for the further reason that the article purported to be a foreign product, when not so.

On August 21, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be delivered to charitable institutions and that the containers be destroyed.

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

24960. Adulteration of coconuts. U. S. v. 34 Bags of Coconuts. Default decree of condemnation and destruction. (F. & D. no. 35612. Sample no. 37933-B.)

This case involved a shipment of coconuts which were in part moldy and fermented.

On June 5, 1935, 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 34 bags of coconuts at Seattle, Wash., alleging that the article had been shipped in interstate commerce by A. H. Biascoenchea, from San Juan, P. R., to New York, N. Y., on or about September 26, 1934, that it had been reshipped from New York, N. Y. to Seattle, Wash., on or about October 2, 1934, and that it was adulterated in violation of the Food and Drugs Act.

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

On August 29, 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.*

24961. Adulteration of canned tomato puree. U. S. v. 96 Cans of Tomato Puree. Default decree of condemnation and destruction. (F. & D. no. 35614. Sample no. 26509-B.)

This case involved a shipment of canned tomato puree that contained excessive mold and worm and insect debris.

On June 7, 1935, the United States attorney for the Eastern District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 96 cans of tomato puree at Spokane, Wash., alleging that the article had been shipped in interstate commerce on or about December 29, 1934, by the Kaysville Canning Co., from Kaysville, Utah, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Fawn Brand Puree * * * Packed by Weber Packing Corporation Ogden, Utah."