

25174. Adulteration of huckleberries. U. S. v. 9 Crates of Huckleberries. Decree of condemnation and destruction. (F. & D. no. 36293. Sample no. 37448-B.)

This case involved a shipment of huckleberries that contained maggots.

On August 3, 1935, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of nine crates of huckleberries at Pittsburgh, Pa., alleging that the article had been shipped in interstate commerce on or about August 1, 1935, by the Quality Produce Co., from Roanoke, Va., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "From Quality Produce Co., Roanoke, Virginia."

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

On August 3, 1935, the consignee of the product having requested its destruction, judgment was entered ordering that it be destroyed immediately.

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

25175. Adulteration of butter. U. S. v. 35 Tubs and 8 Tubs of Butter. Consent decree of condemnation. Product released under bond to be reworked. (F. & D. nos. 35731, 35733. Sample nos. 33616-B, 33630-B.)

These cases involved butter, samples of which were found to contain less than 80 percent of milk fat.

On June 21, and June 27, 1935, the United States attorney for the Northern District of Illinois, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 43 tubs of butter at Chicago, Ill., alleging that the article had been shipped in interstate commerce by the Albert City Cooperative Creamery, from Albert City, Iowa, in part on or about June 11, 1935, and in part on or about June 19, 1935, and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat, as provided by the act of March 4, 1923.

On July 1, 1935, the Peter Fox Sons Co., Chicago, Ill., claimant, having admitted the allegations of the libels and the cases having been consolidated for the purpose of a decree, judgment of condemnation was entered and it was ordered that the product be released under bond, conditioned that it be reworked to the legal standard under the supervision of this Department.

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

25176. Adulteration and misbranding of olive oil. U. S. v. 5 Cans, et al., of Alleged Olive Oil. Default decree of condemnation and destruction. (F. & D. no. 35837. Sample nos. 36679-B, 36680-B.)

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

On August 2, 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 sixteen 1-gallon cans of alleged olive oil at North Adams, Mass., alleging that the article had been shipped in interstate commerce on or about July 9, 1935, by F. Sacco, 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 in part: "Italia Brand Pure Imported Olive Oil." The remainder was labeled in part: "Sublime Olive Oil Acomo Fo Brand."

The article was alleged to be adulterated in that cottonseed oil had been substituted for olive oil, which the article purported to be.

Misbranding was alleged for the reason that the following statements, designs, and devices, borne on the labels, were false and misleading and tended to deceive and mislead the purchaser: (Italia brand, cans) "Italia * * * Pure Imported Olive Oil Liguria Finest Virgin Guaranteed Absolutely Pure L'Olio d'Oliwa Marca Italia Importato E di assoluta purezza e garantito da qualsiasi analisi chimica tutti dovrebbero usarlo Virbus Unitis Italia. Italia * * * Importato Olio D'Oliwa Liguria. Olio D'Oliwa Di Garantita Purezza Medicinale da Tavola da Cucina Medaglia d'Onore All' Esposizione Internazionale di S. Francisco di California 1915 The Olive Oil contained in this can is guaranteed to be absolutely pure under chemical analysis [Designs of olive

branches bearing olives embossed on top of can] Imported From Italy"; (Acomo Fo brand, cans) "Imported Products Sublime Olive Oil The Olive Oil Contained in this can is pressed from fresh picked high grown fruit, * * * and guaranteed to be absolutely pure under any chemical analysis. L'Olio d'oliva contenuto in questa latta e ottenuto dal miglior frutto appena colto confezionato dal produttore nelle migliori condizioni igieniche e garantito puro a qualsiasi analisi chimica. Il produttore raccomanda al consumatore di distruggere questa latta appena vuota affine di evitare che, poco scrupolosi rivenditori la riempiano con oli adulterati o con oli di qualita inferiore. Il produttore avverte i rivenditori, che procedera contro i termini di legge [imprinted on top of can] Imported From Italy [designs of olive branches.]" Misbranding was alleged for the further reason that the article purported to be imported Italian olive oil, whereas it was domestic cottonseed oil; and for the further reason that it was offered for sale under the distinctive name of another article, namely, olive oil.

On September 30, 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.*

25177. Adulteration and misbranding of butter. U. S. v. 3 Tubs, et al., of Butter. Decrees of condemnation and forfeiture. Product released under bond. (F. & D. nos. 36396, 36397. Sample nos. 38843-B, 38848-B, 38849-B.)

These cases involved tub and print butter; the former was adulterated because of deficiency in milk fat and the latter was misbranded, since a part bore no declaration of weight on the package, and the label of the remainder bore an incorrect declaration of weight.

On August 29 and September 4, 1935, the United States attorney for the Eastern District of Louisiana, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 3 tubs and 17 cases of butter at New Orleans, La., alleging that the article had been shipped in interstate commerce on or about August 10 and August 27, 1935, by the DeLuxe Foods Corporation, from Senatobia, Miss., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. A portion of the print butter was labeled in part: (Carton) "E. M. Fancy Creamery Butter * * * One Pound Net * * * DeLuxe Foods Corp. of La. * * * New Iberia, La."; (wrapper) "4 oz. Net Weight."

The tub butter was alleged to be adulterated in that a product containing less than 80 percent of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat, as provided by the act of March 4, 1923.

Misbranding was alleged with respect to a portion of the print butter for the reason that the statements, "One Pound Net" and "4 oz. Net Weight", borne on the labeling, were false and misleading and deceived and misled the purchaser, and for the further reason that it 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 not correct. Misbranding was alleged with respect to the remainder of the print butter for the reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On September 20, 1935, the DeLuxe Foods Corporation having appeared as claimant and 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 the tub butter be reworked to the legal standard and that the print butter be properly labeled.

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

25178. Adulteration of huckleberries. U. S. v. 18 Baskets of Huckleberries. Decree of condemnation and destruction. (F. & D. no. 36291. Sample no. 37446-B.)

This case involved a shipment of huckleberries that contained maggots.

On August 2, 1935, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 18 baskets, each containing 12 quarts of huckleberries, at Pittsburgh, Pa., alleging that the article had been shipped in interstate commerce on or about July 31, 1935, by J. B. Smelser, from Stanley, Va., and charging adulteration in violation of the Food and Drugs Act.