

Sons, Inc., Refiners, Philadelphia, Pa." The remainder was labeled: "High Grade Salad Oil Medaglia D'Oro Brand \* \* \* Medaglia D'Oro Packing Co., Philadelphia, Pa."

The Yolanda brand was alleged to be misbranded in that the prominent word "Olio", the Italian name "Yolanda", and the vignette of a woman with black hair and Italian facial characteristics, appearing on the can label, and the use of the Italian national colors on the can, 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 not.

Misbranding of the Medaglia D'Oro brand was alleged for the reason that the statement, "Medaglia D'Oro Brand" and the designs of medals bearing a shield and crown, the Italian national colors, and the picture of a cavalryman in foreign uniform, appearing on the can 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 not. Misbranding was alleged for the further reason that the article purported to be a foreign product when not so. Misbranding was alleged with respect to portions of the product for the further reason that the statements, "High Grade Salad Oil" and "A \* \* \* Blend of Vegetable Oils", "Vegetable Oil", "Blend of Highest Quality Salad Oils", appearing on the labels were misleading, since the terms "vegetable oil" and "salad oil" include olive oil.

On January 6, 1936, C. F. Simonin's Sons, Inc., having appeared as claimant, and the cases having been consolidated, judgment of condemnation was entered and it was ordered that the product be released under bond, conditioned that it be repacked and relabeled under the supervision of this Department.

On February 27, 1936, an amendment was made to the decree ordering 26 cases of salad oil, which had been inadvertently included in the goods seized at Newark, N. J., separated from the goods before its delivery to the claimant.

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

**25560. Adulteration of canned shrimp. U. S. v. 100 Cases of Canned Shrimp. Consent decree of condemnation. Product released under bond. (F. & D. no. 34548. Sample no. 20051-B.)**

This case involved canned shrimp which was in part decomposed.

On December 11, 1934, 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 condemnation and forfeiture of 100 cases of canned shrimp at Yakima, Wash., alleging that the article had been shipped in interstate commerce on or about October 22, 1934, by the J. H. Pelham Co., from Pascagoula, Miss., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Sea-Fresh Brand Shrimp \* \* \* Packed by the J. H. Pelham Co. Pascagoula, Miss."

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

On January 24, 1936, the J. H. Pelham Co., 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 unfit portions be segregated and destroyed.

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

**25561. Adulteration of tomato catsup. U. S. v. 1,371 Cases of Catsup, and other actions. Default decrees of condemnation and destruction. (F. & D. nos. 35040, 35226, 36618. Sample nos. 27979-B, 29297-B, 43536-B.)**

These cases involved shipments of tomato catsup, samples of which were found to contain excessive mold and, in some instances, filth resulting from worm infestation.

On January 30, 1935, the United States attorney for the Eastern 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 catsup at Belleville, Ill. On March 7, 1935, a libel was filed against 1,371 cases of tomato catsup at Chicago, Ill., and on November 18, 1935, a libel was filed against 18 cases of the product at Newport, R. I.

It was alleged in the libels that the article had been shipped in interstate commerce on or about August 20, September 28, and November 8, 1934, by the Frazier Packing Corporation, from Elmwood, Ind., and that it was adulterated in violation of the Food and Drugs Act. A portion of the article was labeled:

"Frazier's Tomato Catsup Prepared by Frazier Packing Corp., Elwood, Indiana." The remainder was labeled: "Glendale Brand Tomato Catsup \* \* \* Clover Farm Stores Distributors \* \* \* Cleveland, Ohio."

A portion of the article was charged to be adulterated in that it consisted in whole or in part of a decomposed vegetable substance, a portion was charged to be adulterated in that it consisted in whole or in part of a filthy and decomposed vegetable substance, and a portion was charged to be adulterated in that it contained mold making it unfit for consumption.

On December 3, 1935, January 13, and February 20, 1936, the cases having been called for final disposition and no claimant appearing, judgments of condemnation were entered and it was ordered that the product be destroyed.

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

**25562. Adulteration of tomato puree. U. S. v. 48½ Cases of Tomato Puree. Default decree of condemnation and destruction. (F. & D. no. 35128. Sample no. 27982-B.)**

This case involved tomato puree that contained excessive mold.

On February 12, 1935, the United States attorney for the Eastern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 48½ cases of tomato puree at Mount Vernon, Ill., alleging that the article had been shipped in interstate commerce on or about October 26, 1934, by the Owensboro Preserve & Canning Co., Inc., from Owensboro, Ky., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Green River Brand Tomato Puree \* \* \* Packed by Owensboro Preserve and Canning Co. Inc. Owensboro Kentucky."

The article was alleged to be adulterated in that it contained mold and was unfit for consumption as food.

On January 13, 1936, 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.*

**25563. Adulteration of tomato puree. U. S. v. 393 Cases of Tomato Puree. Default decree of destruction. (F. & D. no. 35372. Sample no. 32986-B.)**

This case involved a shipment of tomato puree that contained excessive mold.

On April 12, 1935, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 393 cases of tomato puree at Kansas City, Mo., alleging that the article had been shipped in interstate commerce on or about March 25, 1935, by the Rockfield Canning Co., of Rockfield, Wis., from Granville, Wis., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Pallas Tomato Puree \* \* \* Ridenour-Baker Grocery Co. Distributors, Kansas City."

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

On January 28, 1936, no claimant having appeared, judgment was entered finding the product adulterated and ordering that it be destroyed.

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

**25564. Adulteration and misbranding of egg noodles. U. S. v. 278 Cartons of Egg Noodles. Default decree of condemnation and forfeiture, providing for delivery of the product to a charitable institution. (F. & D. no. 35444. Sample nos. 30183-B to 30187-B, incl.)**

This case was based upon shipments of egg noodles that contained soybean flour and turmeric, a yellow coloring matter.

On April 29, 1935, 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 278 cartons of egg noodles at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about March 28, 1935, by the Kentucky Macaroni Co., Louisville, Ky., to New York, N. Y., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Some of the cartons) "Pure Egg Noodles"; (on the remainder "Egg Noodle."

Adulteration of the product was charged (a) under the allegation that an article containing soybean flour and an added color, namely, turmeric, had been substituted for what the product purported to be, namely, pure egg