

On January 14, April 23, and May 7, 1936, 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.*

25697. Adulteration and misbranding of chili powder. U. S. v. 6 Cases of Chili Pepper, and other actions. Decrees of condemnation and destruction. (F. & D. nos. 36696, 36707, 37077, 37078, 37134, 37135, 37276, 37277, 37321. Sample nos. 32472-B, 38575-B, 40717-B, 48205-B to 48208-B incl., 49336-B, 54851-B, 56348-B.)

These cases involved chili powder which contained arsenic in an amount which might have rendered it injurious to health.

On December 2, 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 six cases of chili powder at Seattle, Wash. On December 16, 1935, January 30, February 1, February 28, February 29, March 2, and March 5, 1936, libels were filed against 14 barrels of the product in various lots at Denver, Colo.; Chicago, Ill.; Kansas City, Mo.; Tulsa, Okla.; Milwaukee, Wis.; Memphis, Tenn.; and Louisville, Ky. The libels alleged that the article had been shipped in interstate commerce between the dates of October 29, 1935, and January 15, 1936, in part by Miller Bros. Co., from Wilmington, Garden Grove, and Los Angeles, Calif.; and in part for Miller Bros. Co., from Chicago, Ill., and Kansas City, Mo.; and that it was adulterated and portions were misbranded in violation of the Food and Drugs Act. A portion of the article was labeled in part: "This Product Guaranteed to be Pure and Unadulterated 'Real Best' * * * Pure Mex Chili Pepper New Crop from Miller Bros. Co."

The article was alleged to be adulterated in that it contained an added poisonous and deleterious ingredient, arsenic, which might have rendered it injurious to health.

Misbranding was alleged with respect to portions of the article for the reason that the statement on the label, "This product guaranteed to be pure and unadulterated", was false and misleading and tended to deceive and mislead the purchaser.

On December 26, 1935, January 27, February 20, March 26, March 31, April 28, April 29, and June 3, 1936, no claim having been entered for the property, judgments of condemnation were entered and it was ordered that the product be destroyed.

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

25698. Misbranding of vegetable oil. U. S. v. Six 5-Gallon Cans, et al., of Oil. Consent decree of condemnation. Product released under bond for relabeling. (F. & D. no. 36697. Sample no. 27134-B.)

This case involved cottonseed oil which was labeled to convey the impression that it was olive oil.

On December 6, 1935, the United States attorney for the District of Nevada, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of six 5-gallon cans, 33 gallon cans, 40 half-gallon cans, and 38 quart cans of oil at Winnemucca, Nev., alleging that the article had been shipped in interstate commerce in various shipments between the dates of June 18 and October 15, 1935, by D. F. De Bernardi & Co., from San Francisco, Calif., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Refined Vegetable Oil Olio Marca Romino * * * Packed and Guaranteed by D. De Bernardi & Co. San Francisco."

The article was alleged to be misbranded in that the statements in the Italian language, "Olio Marca Romino" and "Olio Sopraffino Garantito Puro Sotto Qualunque Analisi Chimica", were misleading and tended to deceive the purchaser in the belief that the article was Italian olive oil; whereas it consisted of cottonseed oil.

On February 3, 1936, D. F. De Bernardi & 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 it be relabeled under the supervision of this Department.

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