

district court a libel praying seizure and condemnation of 52 cubes of butter at San Francisco, Calif., alleging that the article had been shipped in interstate commerce on or about May 28, 1936, by Marwyn Dairy Products Corporation from Colfax, Wis., and charging adulteration in violation of the Food and Drugs Act.

The article was labeled in part: "Sunnyfield A & P Butter The Great Atlantic and Pacific Tea Co."; "First Nat'l Stores, Inc., Somerville, Mass."

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.

On June 23, 1936, the Marwyn Dairy Products, Inc., having appeared as claimant, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be brought up to the legal standard.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26296. Adulteration of canned salmon. U. S. v. 1,899 Cases, and 4,041 Cases of Canned Salmon. Consent decree of condemnation. Product released under bond. (F. & D. nos. 38383, 38388. Sample nos. 22055-C, 22102-C, 22103-C, 22116-C.)

These cases involved salmon that was in part decomposed.

On October 6, 1936, the United States attorney for the Western District of Washington, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 5,940 cases of pink salmon at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about August 11, 1936, by Premier Salmon Co., from Stevens Creek, Alaska, and charging adulteration in violation of the Food and Drugs Act.

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

On October 16, 1936, the Premier Salmon Co., having appeared as claimant, and having consented to the entry of a decree, a consolidated judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it not be sold or disposed of in violation of the Food and Drugs Act.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26297. Adulteration and misbranding of olive oil. U. S. v. 6 Gallon Cans, et al., of Olive Oil. Default decree of condemnation and destruction. (F. & D. no. 37455. Sample no. 62918-B.)

This case involved olive oil that was adulterated with tea-seed oil.

On or about March 26, 1936, the United States attorney for the Eastern District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 71 gallon, half-gallon, quart, and pint cans of olive oil at Norfolk, Va., alleging that the article had been shipped in interstate commerce on or about March 3, 1936, by Moscahlades Bros. Inc., from New York, N. Y., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Marca Elefante Olio Puro D'Oliiva Vergine."

The article was alleged to be adulterated in that tea-seed oil had been mixed and packed therewith so as to reduce or lower its quality or strength; and in that tea-seed oil had been substituted in whole or in part for olive oil, which the article purported to be.

The article was alleged to be misbranded in that the following statements appearing on the labels were false and misleading and tended to deceive and mislead the purchaser when applied to a product containing tea-seed oil: "Imported Virgin Olive Oil"; "Marca Elefante Olio Puro D'Oliiva Vergine [design of olive branch] The olive oil contained in this can is pressed from fresh picked selected olives. It is guaranteed to be absolutely pure under chemical analysis and is highly recommended * * * L'olio di oliva che questa latta contiene, e prodotto da olive accuratamente scelte, e garantito di essere assolutamente puro sotto qualunque analisi chimica. Esso e altamente raccomandato tanto per uso da tavola come per uso medicinale. Imported from Italy."

The article was alleged to be misbranded further in that it was offered for sale under the distinctive name of another article, namely, olive oil.

On September 29, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*