

256 cases of canned beets at Cincinnati, Ohio, the former consigned on or about January 8, 1937, and the latter on or about March 11, 1937, alleging that the article had been shipped in interstate commerce by the Mammoth Springs Canning Co., from Sussex, Wis., and charging that it was adulterated and that a portion was also misbranded in violation of the Food and Drugs Act. A portion of the article was labeled: (Cans) "Security Brand Fancy Sliced Beets Packed For Mid-City Wholesale Grocers Chicago, Illinois Aurora, Illinois." The remainder was labeled: "Gladioli Sliced Beets * * * Packed By Mammoth Springs Canning Company."

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

A portion of the article was alleged to be misbranded in that the term "Fancy" was false and misleading and tended to deceive and mislead the purchaser when applied to an article that was decomposed.

On April 30 and June 9, 1937, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

27448. Adulteration of canned beets. U. S. v. 103 Cases of Canned Beets. Default decree of destruction. (F. & D. no. 39531. Sample no. 30458-C.)

This case involved canned beets that were in part decomposed.

On April 29, 1937, 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 103 cases of canned beets at Kansas City, Mo., alleged that the article had been shipped in interstate commerce on or about March 23, 1937, by the Germantown Canning Co., from Germantown, Wis., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Cans) "Elegante Brand Fancy Cut Table Beets * * * Packed by Germantown Canning Co. Germantown, Wis."

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

On June 9, 1937, no claimant having appeared, judgment was entered ordering that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

27449. Misbranding of olive oil. U. S. v. 5 One-gallon Cans, 6 Half-gallon Cans, 14 One-quart Cans; and U. S. v. 13 One-gallon Cans and 20 Half-gallon Cans of Olive Oil. Consent decrees of condemnation. Product released under bond to be relabeled. (F. & D. nos. 39552, 39553. Sample nos. 32887-C, 32889-C.)

This case involved olive oil that was short in volume.

On May 5 and May 6, 1937, the United States attorney for the District of Oregon, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 58 cans of olive oil in part at Portland, Oreg., and in part at Astoria, Oreg., alleging that the article had been shipped in interstate commerce on or about March 7 and April 1, 1937, by the Lucca Olive Oil Co., from San Francisco, Calif., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Gold Deer Brand Pure Olive Oil Manufactured and Packed by Lucca Olive Oil Co., Lucca, Cal. Contents 1 Gallon [or "Contents ½ Gallon" or "Contents 1 Quart"]."

It was alleged to be misbranded in that the statements, "Contents 1 Gallon", "Contents ½ Gallon", and "Contents 1 Quart", borne on the labels, were false and misleading and tended to deceive and mislead the purchaser when applied to an article that was short in volume; and in 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 quantity stated was not correct.

On June 2, 1937, the Lucca Olive Oil Co., of Lindsay, Calif., having appeared as claimant and having consented to the entry of decrees, judgments of condemnation were entered and the product was ordered released under bond conditioned that it be relabeled under the supervision of this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*

27450. Misbranding of canned peas. U. S. v. 1,537 Cases of Canned Peas. Consent decree of condemnation. Product released under bond for relabeling of misbranded portion. (F. & D. no. 39566. Sample no. 42110-C.)

A portion of this product was substandard because the peas were not immature, and it was not labeled to indicate that it was substandard.