

the district court a libel praying seizure and condemnation of 15 dozen jars of honey at Spartanburg, S. C., alleging that the article had been shipped in interstate commerce on or about July 7, 1937, by F. R. Jordan from Wilmington, N. C., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Pure Carolina Honey Net Wt. 22 Oz. F. R. Jordan, Wilmington, N. C."

It was alleged to be misbranded in that the statement "Net Wt. 22 Oz." was false and misleading and tended to deceive and mislead the purchaser since the jars contained less than 22 ounces, and in that it was food in package form and the quantity of contents was not plainly and conspicuously marked on the outside of the package since the quantity stated was not correct.

On April 8, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution.

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

28498. Misbranding of olive oil. U. S. v. Lucca Olive Oil Co., Inc. Plea of nolo contendere. Fine, \$52. (F. & D. No. 39792. Sample Nos. 32887-C, 32889-C, 33162-C to 33165-C, incl., 37935-C, 37938-C.)

This product was short of the volume declared on the labels.

On November 22, 1937, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Lucca Olive Oil Co., Inc., trading at Lindsay, Calif., alleging shipment by said company in violation of the Food and Drugs Act as amended, on or about March 2, 17, and 31 and May 7, 1937, from the State of California into the States of New York, Oregon, and Washington, of quantities of olive oil which was misbranded. Portions of the article were labeled in part: "Gold Deer Brand Pure Olive Oil Manufactured and Packed by Lucca Olive Oil Co. Lucca, Cal. * * * Contents 1 Gallon [or "1/2 Gallon" or "1 Quart"]." The remainder was labeled: "Lucca Olive Oil * * * 1/16 Gallon."

The article was alleged to be misbranded in that the statements, "Contents 1 Gallon," "1/2 Gallon," "1 Quart," and "1/16 Gallon," were false and misleading and were borne on the cans so as to deceive and mislead the purchaser since the cans contained less than the amounts declared; and in that it was food in package form and the quantity of contents was not plainly and conspicuously marked on the outside of the package.

On December 3, 1937, a plea of nolo contendere was entered in behalf of the defendant, and it was sentenced to pay a fine of \$52.

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

28499. Adulteration of frozen raspberries. U. S. v. 120 Barrels of Frozen Raspberries. Decree of condemnation. Product released under bond. (F. & D. No. 40385. Sample No. 58611-C.)

A portion of this product was infested with insects.

On September 27, 1937, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 120 barrels of frozen raspberries at Philadelphia, Pa., consigned by L. G. Haviland & Son, alleging that the article had been shipped in interstate commerce on or about August 20, 1937, from Highland, N. Y., by L. G. Haviland & Son, 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 filthy vegetable substance.

On January 4, 1938, L. G. Haviland & Sons having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it not be disposed of contrary to law.

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

28500. Adulteration of crab meat. U. S. v. 127 Cans of Crab Meat. Default decree of condemnation and destruction. (F. & D. No. 40524. Sample No. 45115-C.)

This product was in part decomposed.

On October 20, 1937, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 127 cans of crab meat at Oakland, Calif., alleging that the article had been shipped in interstate commerce on or about September 4, 1937, from North Bend, Oreg., by the Oregon Sea Foods Co., and charging adulteration in violation of the Food and Drugs