

can as soon as empty in order to prevent unscrupulous dealers from refilling it with adulterated Oil or Oil of an inferior quality. The producer warns all such dealers that he will proceed against them to the full extent of the law [design of olive branches bearing ripened fruit]"; (Adriatic Star brand) "Imported Virgin Olive Oil Adriatic Star Brand Adriatic Star Pure Olive Oil This Imported Olive Oil Is Guaranteed Both As To Full Measure, Absolute Purity, Superior Quality And Specially Adapted For Table And Medicinal Use Olio Di Oliva Garantito Assolutamente Puro Da Qualsiasi Analisi Chimica Cette Huile D'Olive Est Garantie Pure Et De Superieure Quality [design of olive branches bearing ripened fruit]"; (impressed on all cans) "Imported from Italy."

The article was alleged to be misbranded further in that the statement "net contents 1 gallon," borne on the can label, was false and misleading and by reason thereof it was labeled so as to deceive and mislead the purchaser since the contents of each of the cans examined, with one exception, was less than 1 gallon. The article was alleged to be misbranded further in that it consisted of oil other than olive oil, artificially flavored and a portion also artificially colored, was an imitation of another article, and was offered for sale under the distinctive name of another article, namely, olive oil. It was alleged to be misbranded further in that it was food in package form and the quantity of contents was not plainly and conspicuously marked on the outside of the cans in that, with one exception, the amount actually contained in the cans was not stated on the outside thereof.

On December 5, 1938, the defendant entered a plea of guilty and on December 12, 1938, the court imposed a fine of \$500.

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

**29929. Adulteration of candy. U. S. v. 34 Cartons of Candy. Default decree of condemnation and destruction. (F. & D. No. 43175. Sample No. 24546-D.)**

This product, which had been shipped in interstate commerce and remained unsold and in the original packages at the time of examination, was found to be insect-infested.

On August 2, 1938, the United States attorney for the Western District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 34 cartons of candy at Fort Smith, Ark., consigned by Joan Candy Co., Inc.; alleging that the article had been shipped on or about July 11, 1938, from New Orleans, La.; and charging adulteration in violation of the Food and Drugs Act.

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

On December 22, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

**29930. Adulteration of ocean perch fillets or sea perch fillets. U. S. v. 1,300 Cartons of Sea Perch Fillets (and 2 similar seizure actions). Consent decrees of condemnation and destruction. (F. & D. Nos. 44159, 44160, 44161. Sample No. 37861-D.)**

This product was infested with parasites.

On October 12 and 13, 1938, the United States attorneys for the Western and Northern Districts of Texas, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of the following lots of sea perch fillets: 1,300 cartons at Dallas, Tex., 200 cartons at Fort Worth, Tex., and 300 cartons at San Antonio, Tex.; alleging that the article had been shipped in interstate commerce on or about September 22, 1938, by Mid Central Fish Co. of Maine, from Portland, Maine; and charging adulteration in violation of the Food and Drugs Act.

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

On October 13, November 22, and December 10, 1938, the Mid Central Fish Co. having entered an appearance admitting the allegations of the libel filed at Dallas, Tex., and consenting to the entry of a decree and no claim having been entered in the remaining cases, judgments of condemnation were entered and the product was ordered destroyed.

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