

District Court of the United States for said district an information against Nathan Goodman and Hyman Goodman, copartners, trading as N. Goodman & Son, New York, N. Y., alleging shipment by said defendants, in violation of the food and drugs act as amended, on or about August 23, 1921, from the State of New York into the State of Connecticut, of quantities of olive oil which was misbranded. The article was labeled in part: (Can) "Pure Imported Olive Oil Olio d'Oliva * * * Stella Alpino Brand Net Contents One Full Quart" (or "Net Contents One Full Half Gallon" or "Net Contents One Full Gallon").

Examination by the Bureau of Chemistry of this department showed that the average volume of 14 of the 1-quart cans, 12 of the half-gallon cans, and 14 of the gallon cans was 0.242 gallon, 0.486 gallon, and 0.965 gallon, respectively.

Misbranding of the article was alleged in the information for the reason that the statements "Net Contents One Full Quart," "Net Contents One Full Half Gallon," and "Net Contents One Full Gallon," borne on the respective-sized cans containing the said article, were false and misleading, in that the said statements represented that the cans contained 1 full quart net, 1 full half-gallon net, or 1 full gallon net, as the case might be, of the said article, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the cans contained 1 full quart net, 1 full half-gallon net, or 1 full gallon net, as the case might be, of the article, whereas the said cans did not contain the amounts declared on the respective labels but did contain less amounts. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On November 10, 1924, the defendants entered pleas of guilty to the information, and the court imposed fines in the aggregate amount of \$30.

W. M. JARDINE, *Secretary of Agriculture.*

12943. Adulteration and misbranding of scallops. U. S. v. John F. Javins and Francis H. Javins (Chas. H. Javins & Son). Pleas of guilty. Fine, \$20. (F. & D. No. 19235. I. S. Nos. 15074-v, 15078-v.)

On December 8, 1924, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Police Court of the district aforesaid an information against John F. Javins and Francis H. Javins, trading as Chas. H. Javins & Sons, Washington, D. C., alleging that on March 12 and 13, 1924, respectively, the said defendants did offer for sale and sell in the District of Columbia, in violation of the food and drugs act, quantities of scallops which were adulterated and misbranded.

Examination of a sample of the article by the Bureau of Chemistry of this department showed that it contained added water.

Adulteration of the article was alleged in the information for the reason that water had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted in part for scallops, which the said article purported to be.

Misbranding was alleged for the reason that the article was offered for sale and sold under the distinctive name of another article, to wit, scallops.

On December 8, 1924, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$20.

W. M. JARDINE, *Secretary of Agriculture.*

12944. Adulteration of walnuts in shell. U. S. v. 268 Bags of Walnuts in Shell. Consent decree of condemnation and forfeiture. Product released under bond to be reconditioned. (F. & D. No. 19071. I. S. No. 14012-v. S. No. E-4983.)

On October 21, 1924, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 268 bags of walnuts in shell, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by A. Sounis, from Buie, France, on or about November 5, 1923, and transported from a foreign country into the State of New York, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a filthy, decomposed, and putrid vegetable substance.

On November 5, 1924, the Bennett Day Importing Co., Inc., New York, N. Y., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered,

and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$3,500, in conformity with section 10 of the act, conditioned in part that the bad portion be removed from the product and denatured and destroyed under the supervision of this department.

W. M. JARDINE, *Secretary of Agriculture.*

12945. Adulteration of Brazil nuts. U. S. v. 590 Bags, et al., of Brazil Nuts. Decrees entered ordering product released under bond to be reconditioned. (F. & D. Nos. 19107, 19108. I. S. Nos. 12870-v, 13175-v, 13995-v. S. Nos. E-4997, E-4998.)

On November 6, 1924, the United States attorney for the Eastern District of New York, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 2,588 bags of Brazil nuts, remaining unsold in the original packages at Brooklyn, N. Y., alleging that the article had been shipped by A. H. Alden, Ltd., 823 bags from Manaus, Brazil, on February 22, 1924, and 1,765 bags from Buenos Aires, Argentina, on March 3, 1924, and transported from a foreign country into the State of New York, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libels for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid vegetable substance.

On November 21, 1924, J. B. Inderrieden Co., Chicago, Ill., having appeared as claimant for the property, and having admitted the allegations of the libels, judgments of the court were entered, ordering the product released to the said claimant upon the execution of bonds in the aggregate sum of \$18,000, in conformity with section 10 of the act, conditioned in part that the nuts be cracked and sorted and disposed of under the supervision of this department.

W. M. JARDINE, *Secretary of Agriculture.*

12946. Adulteration and misbranding of coal-tar color. U. S. v. 5 Pounds, et al., of Coal-Tar Color. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 14817, 14818. I. S. Nos. 4496-t, 4497-t, 4498-t, 4499-t, 3151-t. S. Nos. C-2985, C-2986.)

On April 26, 1921, the United States attorney for the Eastern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 11 pounds of coal-tar color, remaining in the original unbroken packages in part at Beaumont, Tex., and in part at Lufkin, Tex., alleging that the article had been shipped by the W. B. Wood Mfg. Co., from St. Louis, Mo., on or about October 2, 1920, and March 18, 1921, respectively, and transported from the State of Missouri into the State of Texas, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Can) "W. B. Wood Mfg. Co. * * * St. Louis, Mo. * * * Complies With All Requirements * * * Quality Color * * * Green" (or "Yellow" or "Purple" or "Blue" or "Red").

Adulteration of the article was alleged in the libels for the reason that sodium chloride and sodium sulphate had been mixed and packed with and substituted for the said article, and for the further reason that it contained added poisonous or deleterious ingredients or arsenic, which rendered the said article injurious to health.

Misbranding was alleged for the reason that the statements, to wit, "Complies With All Requirements Quality Color," appearing on the labels, and the respective statements "Number 1110 Contents Green," or "Number 710," or "810 Contents Yellow," or "Number 1010 Contents Purple," or "Number 910 Contents Blue," or "Number 540 Contents Red," as the case might be, appearing on the labels, were false, in that the said article did not contain the ingredients as indicated by the said labels.

No claimant having appeared for the property, on December 13, 1921, a decree of the court was entered in the case involving 5 pounds of the product, finding it to be adulterated and misbranded and ordering its condemnation and forfeiture, and on April 29, 1924, a decree was entered in the case involving the remainder of the product, finding it to be adulterated and ordering its forfeiture. The court in both instances ordered the product destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*