

to said libel, praying seizure and condemnation of 83 $\frac{1}{4}$  cartons of olive oil, remaining in the original unbroken packages at New Haven, Conn., alleging that the article had been shipped by Leo Crisafulli, New York, N. Y., on or about July 29, 1927, and transported from the State of New York into the State of Connecticut, and charging misbranding in violation of the food and drugs act as amended. A portion of the article was labeled in part: "Campagnola Brand Choicest Pure Olive Oil \* \* \* Net Contents 1 Gallon (or "  $\frac{1}{2}$  Gallon")." The remainder of the said article was labeled in part: "Contents One Gallon Corolla Brand Pure Olive Oil."

It was alleged in the libel, as amended, that the article was misbranded in that the statements "Net Contents  $\frac{1}{2}$  Gallon" and "Contents 1 Gallon," borne on the labels, were false and misleading and deceived and misled purchasers. 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 March 12, 1928, Leo Crisafulli, 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 the execution of a bond in the sum of \$150, conditioned in part that it be made to comply with the law.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16094. Adulteration and misbranding of butter. U. S. v. 20 Cases of Butter. Consent decree of condemnation entered. Product released under bond. (F. & D. No. 22916. I. S. Nos. 24014-x, 24015-x, 24016-x. S. No. 938.)**

On July 5, 1928, the United States attorney for the Western 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 seizure and condemnation of 20 cases of butter, remaining in the original unbroken packages at Buffalo, N. Y., alleging that the article had been shipped by Sherman White & Co., from Waterloo, Ind., June 14, 1928, and transported from the State of Indiana into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act as amended. A portion of the article was labeled in part: (Cartons) "One Pound Net Weight \* \* \* Manufactured by Sherman White & Company." The remainder of the said article was unlabeled except that parchment wrappers were perforated "XU ADDG."

It was alleged in the libel that the article was adulterated in that a substance deficient in butterfat had been mixed and packed therewith, so as to reduce or lower or injuriously affect its quality or strength and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the article was an imitation of or offered for sale under the distinctive name of another article. Misbranding was alleged for the further reason that the article was in package form and the quantity of contents was not plainly and conspicuously marked on the outside of the package. The charge recommended by this department relative to declaration of contents applied only to that portion of the product the parchment wrappers of which were perforated "XU ADDG." As to this portion the charge recommended was that it was further misbranded in that it was in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages.

On July 7, 1928, the Sherman White Co., Fort Wayne, Ind., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned in part that it should not be sold or otherwise disposed of contrary to law. It was further ordered by the court that the claimant be permitted to recondition the product under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16095. Adulteration of frozen poultry. U. S. v. 140 Barrels, et al., of Frozen Poultry. Consent decrees of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 22781, 22784. I. S. Nos. 24485-x to 24489-x, incl. S. Nos. 815, 820, 821.)**

On or about May 21, 1928, the United States attorney for the District of New Jersey, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and

condemnation of 681 barrels of frozen poultry at Jersey City, N. J., alleging that the article had been shipped by Cromer & Cossitt (Inc.), Chicago, Ill., between the dates of February 1, 1928, and February 20, 1928, and transported from the State of Illinois into the State of New Jersey, and charging adulteration in violation of the food and drugs act.

It was alleged in the libels that the article was adulterated in that it consisted in part of a filthy, decomposed, and putrid animal substance, in that it consisted in part of a portion of an animal unfit for food, and in that it was the product of a diseased animal.

On September 29 and October 17, 1928, respectively, the Silz Packing Co. (Inc.), a New Jersey corporation, claimant, having admitted the allegations of the libel, modified to the extent, however, that some part or portion of the goods might be fit for human consumption, and having consented to the entry of decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of bonds totaling \$17,100, or the deposit of collateral in like amount, conditioned in part that it be salvaged and the portion unfit for human consumption be destroyed or denatured.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16096. Adulteration of dressed poultry. U. S. v. 1 Barrel of Dressed Poultry. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 23177. I. S. No. 03061. S. No. 1282.)

On November 7, 1928, 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 seizure and condemnation of 1 barrel of dressed poultry, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by Hurst & Majors, from Manhattan, Kans., on or about October 17, 1928, and transported from the State of Kansas into the State of New York, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed animal substance, in that it consisted in part of a portion of an animal unfit for food, and in that it was the product of a diseased animal.

On November 24, 1928, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16097. Adulteration of apples. U. S. v. 1 Carload of Apples. Decree of condemnation entered. Product released under bond.** (F. & D. No. 23144. I. S. No. 0479. S. No. 1244.)

On October 15, 1928, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 1 carload of apples at Clarendon, Tex., alleging that the article had been shipped by Engel & McDonald, from Canon City, Colo., on or about October 8, 1928, and transported from the State of Colorado into the State of Texas, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it contained added poisonous substances, to wit, lead and arsenic, which might have rendered it injurious to health and unfit for human consumption.

On October 19, 1928, Phil Engel and William C. McDonald, trading as Engel & McDonald, having appeared as claimants for the property and having admitted the allegations of the libel and filed a bond in the sum of \$500, judgment of condemnation was entered, and it was ordered by the court that the product be released to the said claimants, and that it be segregated and cleaned under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16098. Misbranding of tomato catsup. U. S. v. 200 Cases of Catsup. Consent decree of condemnation and forfeiture. Product released under bond.** (F. & D. No. 22907. I. S. No. 013757. S. No. 979.)

On July 28, 1928, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 200 cases of catsup, remaining in the original unbroken packages