

misleading and deceived and misled the purchaser. Misbranding was further alleged for the 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, since the statement made was incorrect.

On January 13, 1932, 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 sold at public auction by the United States marshal and that it should not be resold until labeled in compliance with the law.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19244. Misbranding of olive oil. U. S. v. Mallars & Co. Plea of guilty. Fine, \$25 and costs. (F. & D. No. 26566. I. S. Nos. 9955, 9956.)

Examination of the olive oil involved in the shipment herein described showed that the cans contained less than the declared volume.

On October 10, 1931, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against Mallars & Co., a corporation, Chicago, Ill., alleging shipment by said company, in violation of the food & drugs act as amended, on or about August 14, 1930, from the State of Illinois into the State of Iowa, of a quantity of olive oil that was misbranded. The article was labeled in part: (Cans) "Athlete Brand Pure Olive Oil Contents $\frac{1}{4}$ Gallon [or " $\frac{1}{2}$ Gallon"] Mallars & Company, Chicago."

It was alleged in the information that the article was misbranded in that the statements "Contents $\frac{1}{4}$ Gallon" and "Contents $\frac{1}{2}$ Gallon," respectively, borne upon the said cans, were false and misleading in that the said statements represented that the cans contained one-fourth gallon or one-half gallon of olive oil; and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the cans contained one-fourth gallon or one-half gallon of olive oil; whereas they did not contain the quantity so represented but did contain a less quantity. 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, since the cans contained less than the quantity represented.

On January 25, 1932, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25 and costs.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19245. Adulteration of tomato catsup. U. S. v. 220 Cases of Tomato Catsup. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27256. I. S. No. 17189. S. No. 5431.)

Samples of tomato catsup from the shipment herein described having been found to contain excessive mold, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Texas.

On November 20, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 220 cases of tomato catsup at Waco, Tex., alleging that the article had been shipped by the Wm. Craig Canning Co., from Ogden, Utah, on or about September 26, 1931, and had been transported from the State of Utah into the State of Texas, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Regal Brand Tomato Catsup * * * Wm. Craig Canning Co., Ogden, Utah."

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed vegetable substance.

On December 22, 1931, 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.*

19246. Misbranding of Teche Valley hot sauce. U. S. v. 121 Cases of Teche Valley Hot Sauce. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26960. I. S. No. 17698. S. No. 5169.)

Examination of samples of sauce from the shipment herein described having shown that the product contained undeclared artificial color, and that the bottles contained less than 6 ounces, the declared weight, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of Texas.