

On July 6, 1932, the Pleasant Grove Canning Co., having filed stipulation and answer admitting the allegations of the libel in so far as they concerned the portion of the product bearing code mark "450", judgment was entered condemning and forfeiting the said portion. It was ordered by the court that the product be released to claimant upon payment of costs and the execution of a bond in the sum of \$250, conditioned that the condemned portion be destroyed under the supervision of this Department.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20113. Adulteration of canned mixed vegetables. U.S. v. 12 Cases, et al., of Canned Mixed Vegetables. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 28452, 28516, and 28572. Sample Nos. 8284-A, 8364-A, 8384-A.)

These cases involved shipment of quantities of canned mixed vegetables, samples of which were found to be partially decomposed.

On July 9, July 27, and August 3, 1932, the United States attorney for the Eastern District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 30 cases and 188 cans of canned mixed vegetables, remaining in the original unbroken packages in part at Reading, Pa., and in part at Pottstown, Pa., alleging that the article had been shipped in various lots on or about February 15, March 16, May 30, and June 4, 1932, by Phillips Packing Co., Inc., Cambridge, Md., and had been transported from the State of Maryland into the State of Pennsylvania, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Cans) "Castle Haven * * * Mixed Vegetables * * * Packed by Phillips Packing Co. Inc., Cambridge, Md."

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

On August 9 and August 31, 1932, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20114. Misbranding of cooking and table oil. U.S. v. 22 Cases, et al., of Oil. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 28601. Sample Nos. 14384-A, 14385-A.)

This case involved the shipment of quantities of cooking and table oil, sample cans of which were found to contain less than 1 gallon, the declared volume.

On August 6, 1932, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 32 cases of oil, remaining in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped in interstate commerce, in part on or about June 1, 1931, and in part on or about August 10, 1931, by F. Rizzo di Cavalcante, from Trenton, N.J., to Baltimore, Md., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Can) "Double Star Brand High Grade Cooking and Table Oil * * * Net Contents One Gallon * * * Packed by F. Rizzo di Cavalcante, Trenton, N.J."

It was alleged in the libel that the article was misbranded in that the statement on the label, "Net Contents One Gallon," was false and misleading and deceived and misled the purchaser. 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 quantity stated was not correct.

On August 15, 1932, a claim having been interposed for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant to be shipped to the Italian Food Products Corp. of America, Trenton, N.J., for filling the cans to the declared quantity of contents under the supervision of this Department, upon payment of costs and the execution of a good and sufficient bond, conditioned that it should not be sold or disposed of in violation of the Food and Drugs Act and all other laws.

R. G. TUGWELL, *Acting Secretary of Agriculture.*