

bottles contained less than the declared volume, and the statement of the quantity of the contents was not declared in terms of liquid measure.

On August 9, 1933, U. B. Newman, representing the Jones Bros. Co., having appeared as claimant and admitted the allegations of the libel, judgment was entered ordering that the product be released to the claimant to be relabeled so that it conform in all respects with Government regulations.

M. L. WILSON, *Acting Secretary of Agriculture.*

21366. Misbranding of olive oil. U. S. v. 23 Gallons of Olive Oil. Default decree of condemnation, forfeiture, and sale. (F. & D. no. 30577. Sample no. 32141-A.)

This case involved a shipment of olive oil, sample cans of which were found to contain less than 1 gallon, the volume declared on the label.

On June 12, 1933, the United States attorney for the Middle District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 23 gallons of olive oil at Scranton, Pa., alleging that the article had been shipped in interstate commerce on or about March 2, 1933, by Ossola Bros., Inc., from New York, N.Y., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "1 gallon net grande Italia brand extra of sublime Virgin Olive Oil."

It was alleged in the libel that the article was misbranded in that the statement on the label, "1 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 statement made was incorrect.

On August 16, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered and it was ordered by the court that the words, "One Gallon", be obliterated from the can label and that the article be sold by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21367. Adulteration and misbranding of jams and jellies. U. S. v. Grocers Specialty Co. Plea of guilty. Fine of \$100 imposed on each of 42 counts. Sentence suspended. (F. & D. no. 29412. I.S. nos. 21329, 21346, 21348, 21363, 21364, 21365.)

This case was based on various shipments of imitation jams and jellies labeled to convey the impression that they were compound jams and pectin jellies, respectively. The strawberry and raspberry jams contained undeclared artificial color. The loganberry jam contained less than the 25 percent of fruit declared on the label. The jellies contained undeclared artificial color, and probably a small amount of fruit, not sufficient, however, to give them a characteristic fruit flavor.

On July 13, 1933, the Grand Jurors of the United States for the Southern District of California, acting upon a report by the Secretary of Agriculture, presented in the district court an indictment against the Grocers Specialty Co., a corporation, Los Angeles, Calif., alleging shipment by said company in violation of the Food and Drugs Act, in various shipments, on or about August 18, August 20, and September 4, 1931, respectively, from the State of California into the State of Arizona, of quantities of jams and jellies which were adulterated and misbranded. The jams were labeled, "Grandma's [or 'American Beauty'] Compound Pectin Sugar Strawberry [or 'Raspberry,' or 'Loganberry'] Jam Fruit Acid Added 25% Strawberry [or 'Raspberry' or 'Loganberry'] 55% Sugar 20% Pectin Packed by Grocers Specialty Co., Inc., Los Angeles, California", together with designs of strawberries, raspberries, or loganberries. The jellies were labeled in part: "Peacock Brand Strawberry [or 'Raspberry'] And Pectin Jelly Fruit Acid Added", together with designs showing strawberries or raspberries and a peacock.

It was alleged in the indictment that the strawberry and raspberry jams were adulterated in that artificially colored imitation jams had been substituted for compound pectin sugar strawberry (or raspberry) jam, which the articles purported to be. Adulteration of the loganberry jam was alleged for the reason that an imitation jam had been substituted for compound pectin sugar loganberry jam, which the article purported to be. Adulteration of the jellies was alleged, in that artificially colored imitation jellies had been sub-

stituted for strawberry and raspberry pectin jellies, which the articles purported to be. Adulteration of the strawberry and raspberry jams and jellies was alleged for the further reason that the articles had been mixed and colored in a manner whereby inferiority was concealed. Adulteration of the loganberry jam was alleged for the further reason that the article had been mixed with a insufficient amount of loganberries, namely, less than the declared 25 percent, in a manner whereby inferiority was concealed.

Misbranding was alleged for the reason that the statements, "Compound Pectin Sugar Strawberry [or "Raspberry" or "Loganberry"]", with respect to the jams and the statements, 'Strawberry' [or "Raspberry"] and Pectin Jelly" with respect to the said jellies, together with the designs of strawberries, raspberries, and loganberries, borne on the labels, were false and misleading, and for the further reason that the articles were labeled so as to deceive and mislead the purchaser; since they were not as represented, but were imitation jams and jellies and were not labeled "imitation", the strawberry and raspberry jams and the jellies were artificially colored, and the words "Artificially Colored", were not borne on the labels. Misbranding of the loganberry jam was alleged for the further reason that the statement "25% Loganberry" was false and misleading and deceived and misled the purchaser, since the article contained less than 25 percent of loganberries. Misbranding of all products was alleged for the further reason that they were imitations of other articles, and for the further reason that they were offered for sale under the distinctive names of other articles.

On August 28, 1933, a plea of guilty to the information was entered by Abraham Mark, president of the defendant company, and the court imposed a sentence of \$100 on each of the 42 counts, and ordered commitment suspended for 18 months on condition that there should be no violation of the Food and Drugs Act during that period by the president of the firm or by anyone acting under his direction.

M. L. WILSON, *Acting Secretary of Agriculture.*

21368. Adulteration and misbranding of vanilla flavor. U. S. v. Elwood J. Goodier (Universal Laboratories). Plea of guilty. Fine, \$100. (F. & D. no. 30174. I.S. no. 22346.)

This case was based on an interstate shipment of a product labeled to convey the impression that it was vanilla flavor. Examination of the article showed that it was an imitation vanilla flavor.

On June 7, 1933, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Elwood J. Goodier, trading as Universal Laboratories, Dallas, Tex., alleging shipment by said defendant in violation of the Food and Drugs Act, on or about February 11, 1932, from the State of Texas into the State of Montana, of a quantity of vanilla flavor which was adulterated and misbranded. The article was labeled in part: "Goodier's De Luxe * * * Vanilla Flavor * * * Manufactured By Universal Laboratories, Dallas."

It was alleged in the information that the article was adulterated in that an imitation vanilla flavor had been substituted for vanilla flavor, which the article purported to be.

Misbranding was alleged for the reason that the statement, "Vanilla Flavor", borne in large conspicuous type on the carton and bottle labels, was false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since the said statements represented that it was vanilla flavor, whereas it was an imitation vanilla flavor and the word imitation was not stated on the package in which the article was offered for sale. Misbranding was alleged for the further reason that the article was an imitation of another article and was offered for sale under the distinctive name of said other article, viz, vanilla flavor.

On September 25, 1933, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$100.

M. L. WILSON, *Acting Secretary of Agriculture.*

21369. Adulteration and misbranding of canned corn. U. S. v. 25 Cases of Canned Corn. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30713. Sample no. 36619-A.)

This case involved a shipment of canned corn which was labeled "Fancy Grade", and which was found to consist of Standard grade, which is two grades lower than Fancy.