

upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 702 cans of vegetable oil in various lots at West New York, Newark, and Irvington, N.J., alleging that the article had been shipped in interstate commerce between September 5 and November 7, 1933, by the Cosmopolitan Oil Products Corporation, from Brooklyn, N.Y., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Net Contents One Gallon Sogno Mio Brand [or "La Cara Brand"] * * * Packed by Cosmopolitan Oil Products Corp. Bush Terminal Brooklyn, N.Y."

It was alleged in the libels that the article was misbranded in that the statement on the labels, "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 statement made was incorrect.

On December 17, 1933, the Cosmopolitan Oil Products Corporation having appeared as claimant for 561 cans of the product covered by the three libels, and having admitted the allegations of the libels and consented to the entry of decrees condemning and forfeiting the property, judgments were entered ordering that the product be released to the claimant upon payment of costs and the execution of good and sufficient bonds, conditioned in part that it be brought into conformity with the law either by repacking or refilling the cans.

The Cosmopolitan Oil Products Corporation appeared as claimant for the product seized under 4 of the 5 libels, admitted the allegations of the said libels, and consented to the entry of decrees condemning and forfeiting the property. On January 17, 1934, and April 24, 1934, judgments were entered ordering the claimed lots released, upon payment of costs and the execution of good and sufficient bonds, conditioned that the product be brought into conformity with the law, either by repacking or refilling the cans to the declared volume. No claim was entered for the 36 cans seized in the remaining case and on December 21, 1933, judgment of condemnation was entered and it was ordered by the court that the lot be destroyed by the United States marshal.

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

21866. Adulteration of apples. U. S. v. 525 Baskets of Apples. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31639. Sample no. 42526-A.)

This case involved an interstate shipment of apples that were found to bear arsenic in an amount that might have rendered them injurious to health.

On October 18, 1933, the United States attorney for the Southern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 525 baskets of apples at Muncie, Ind., alleging that the article had been shipped in interstate commerce on or about September 21, 1933, by R. A. Watson, agent, from Valley City, Ill., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Fancy Grimes Golden Packed by R. A. Watson, Morrison or Valley City, Ill."

It was alleged in the libel that the article was adulterated in that it contained an added poisonous and deleterious ingredient, arsenic, which might have rendered its use harmful to health.

On December 26, 1933, 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.

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

21867. Adulteration of butter. U. S. v. 9 Cubes of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reworked. (F. & D. no. 31654. Sample nos. 60238-A, 60243-A.)

This case involved a shipment of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter established by Congress.

On November 10, 1933, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of nine cubes of butter at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about November 2, 1933, by T. B. Klock & Co., from Billings, was labeled to convey the impression that it was olive oil. Sample cans

It was alleged in the libel that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as provided by the act of March 4, 1923.

On December 4, 1933, the Meadow Gold Dairies, Inc., Billings, Mont., 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 claimant upon payment of costs and the execution of a bond in the sum of \$200, conditioned that it be reworked under the supervision of this Department so as to conform to the Food and Drugs Act.

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

21868. Misbranding of olive oil. U. S. v. 87 Cans of Olive Oil. Product released under bond for repacking. (F. & D. no. 31659. Sample no. 61378-A.)

Sample cans of olive oil taken from the shipment involved in this case were found to contain less than one-half gallon, the declared volume.

On November 29, 1933, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 87 cans of olive oil at Salt Lake City, Utah, alleging that the article had been shipped in interstate commerce on or about September 23, October 16, and November 7, 1933, by Monteverde & Parodi, from San Francisco, Calif., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Pure Extra Fine Olive Oil Half Gallon."

It was alleged in the libel that the article was misbranded in that the statement on the label, "Half 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.

The Italian Importing Co., Salt Lake City, Utah, filed a claim and answer praying release of the product and admitting the allegations of the libel. On January 10, 1934, costs having been paid and a good and sufficient bond filed, a decree was entered ordering release of the product to the claimant on condition that it be repacked in properly labeled 5-gallon cans.

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

21869. Adulteration of fresh chestnuts. U. S. v. 652 Boxes of Fresh Chestnuts. Consent decree of condemnation and forfeiture. Product released under bond for the purpose of selecting the good from the bad. (F. & D. no. 31672. Sample nos. 64042-A, 64043-A, 64050-A to 64052-A incl.)

This case involved an interstate shipment of chestnuts that were found to be in part decomposed.

On or about December 8, 1933, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 652 boxes of fresh chestnuts at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about October 21, 1933, by the Pacific Trading Co., from San Francisco, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part "Fresh Chestnuts Grown in Japan."

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

On January 5, 1934, the Pacific Trading Co., claimant, having admitted the allegation of the libel and 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 claimant for the purpose of selecting and picking the good from the bad, under the supervision of this Department, upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned that it should not be disposed of in violation of the Federal Food and Drugs Act and all other laws.

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