

On January 10, 1934, judgment was entered by default ordering the product condemned, forfeited, and destroyed.

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

**21908. Misbranding of olive oil. U. S. v. 14 Cans of Olive Oil. Default decree of condemnation, forfeiture, and destruction.** (F. & D. no. 31277. Sample nos. 56236-A, 56256-A.)

Sample cans of olive oil taken from the shipment involved in this case were found to contain less than 1 gallon, the labeled volume.

On October 28, 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 a libel praying seizure and condemnation of 14 cans of olive oil at Dallas, Tex., alleging that the article had been shipped in interstate commerce on or about September 11, 1933, by Uddo-Taormina Corporation, from Brooklyn, N.Y., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled, in part: "Pure Olive Oil \* \* \* Imported by Uddo-Taormina Corp., Italy, Contents One Gallon."

It was alleged in the libel that the article was misbranded in that the statement, "Net Contents One Gallon", borne on the label, was false and misleading, since the article was short volume.

On January 9, 1934, 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.*

**21909. Misbranding of egg noodles. U. S. v. Keystone Macaroni Mfg. Co. Plea of nolo contendere. Fine, \$25.** (F. & D. no. 31363. Sample nos. 11124-A, 11167-A.)

This case involved shipments of egg noodles in packages that contained less than the labeled weight.

On January 2, 1934, the United States attorney for the Middle District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Keystone Macaroni Manufacturing Co., a corporation, Lebanon, Pa., alleging shipment by said company in violation of the Food and Drugs Act, in part on or about August 16, 1932, and in part on or about November 12, 1932, from the State of Pennsylvania into the State of New York, of quantities of egg noodles that were misbranded. The article was labeled in part: "Krasdale Brand Egg Noodles, A. Krasne Wholesale Distributor New York \* \* \* Net Weight 6 Ounces."

It was alleged in the information that the article was misbranded in that the statement, "Net Weight 6 Ounces", was false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since the packages contained less than 6 ounces. 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 January 16, 1934, a plea of nolo contendere was entered on behalf of the defendant company, and the court imposed a fine of \$25.

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

**21910. Adulteration of dressed poultry. U. S. v. Gooding Cooperative Creamery. Plea of guilty. Fine, \$50.** (F. & D. no. 31366. Sample no. 17253-A.)

Samples of dressed poultry taken from the shipment involved in this case were found to be emaciated, diseased, and decomposed.

On January 15, 1934, the United States attorney for the District of Idaho, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Gooding Cooperative Creamery, a corporation, Gooding, Idaho, alleging shipment by said company in the name of and by means of its agent, the Jerome Cooperative Creamery, on or about October 1, 1932, from the State of Idaho into the State of California, of a quantity of dressed poultry that was adulterated.

It was alleged in the information that the article was adulterated in that it consisted in part of a filthy and decomposed animal substance, in that it consisted of portions of animals unfit for food, and in that it was a product of diseased animals.

On February 7, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$50.

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

**21911. Adulteration and misbranding of gray wheat shorts and ground screenings. U. S. v. Topeka Flour Mills Corporation. Plea of guilty. Fine, \$25. (F. & D. no. 31376. Sample no. 18927-A.)**

This case was based on a shipment of a product represented to be gray wheat shorts and ground screenings. Examination of the article showed that it consisted in part of brown shorts and contained more than 6 percent of crude fiber, the amount declared on the label.

On January 15, 1934, the United States attorney for the District of Kansas, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Topeka Flour Mills Corporation, trading at Topeka, Kans., alleging shipment by said company in violation of the Food and Drugs Act, on or about September 8, 1932, from the State of Kansas into the State of Missouri, of a quantity of gray wheat shorts and ground screenings that were adulterated and misbranded. The article was labeled in part: (Tag) "K-Y Gray Wheat Shorts and Ground Screenings \* \* \* Crude Fibre, not more than 6.0% \* \* \* Topeka Flour Mills Corp. Topeka, Kans."

It was alleged in the information that the article was adulterated in that brown shorts had been mixed and packed with it so as to reduce and lower and injuriously affect its quality and strength, and had been substituted in part for gray wheat shorts and ground screenings.

Misbranding was alleged for the reason that the statements, "Gray Wheat Shorts and Ground Screenings", and "Crude Fibre, not more than 6.0%", borne on the tag, were false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since it did not consist wholly of gray wheat shorts and ground screenings, but did consist in part of brown shorts and contained more than 6 percent of crude fiber.

On January 27, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$25.

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

**21912. Adulteration of apple pomace. U. S. v. 16,000 and 20,349 Bags of Apple Pomace. Consent decrees of destruction. (F. & D. nos. 29934, 29978. Sample nos. 28851-A to 28859-A, incl., 28874-A, 28881-A, 28887-A, 28892-A, 28894-A, 28956-A, 28968-A, 28970-A, 29063-A, 29065-A, 29067-A, 29068-A, 29070-A to 29079-A, incl., 29081-A to 29084-A, incl., 29086-A, 29088-A to 29093-A, incl., 29095-A to 29100-A, incl., 35677-A, 35691-A, 35698-A, 35705-A.)**

These cases involved various interstate shipments aggregating about 33 carloads of apple pomace that was found to contain arsenic and lead in amounts that might have rendered it injurious to health.

On March 15 and March 23, 1933, the United States attorney for the Western District of Missouri, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 36,349 bags of apple pomace at Kansas City, Mo., alleging that the article had been shipped in interstate commerce between the dates of August 3, 1932, and December 16, 1932, by the Speas Manufacturing Co., in part from Yakima, Wash., and in part from Sebastopol, Calif., 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 contained added poisonous and deleterious ingredients, arsenic and lead, which might have rendered it injurious to health.

On August 2, 1933, the Speas Manufacturing Co., Kansas City, Mo., claimant, having admitted the allegations of the libel, consented to the entry of decrees of condemnation and forfeiture, and filed an application for release of the product for salvaging, judgments were entered finding the product adulterated and ordering that it be released to the claimant upon payment of costs and the execution of bonds totaling \$10,000 conditioned as required by law. On August 29, 1933, and January 19, 1934, the claimant having expressed a desire that the product be destroyed, orders were entered providing for its destruction and the exoneration of the bonds.

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