

Northampton, Mass., consigned about December 18, 1933, alleging that the article had been shipped in interstate commerce, by the Modern Butter & Egg Co., from New York, N.Y., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "One Pound Net."

It was alleged in the libel that the article was misbranded in that it 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 of weight was incorrect.

On February 8, 1934, the Modern Butter & Egg Corporation, New York, N.Y., having appeared as claimant for the property and having admitted the allegations of the libel, 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 should not be sold or disposed of in violation of the law. The article was reprinted in full pound prints.

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

**21962. Adulteration of celery. U. S. v. 34 Crates and 140 Crates of Celery. Decrees of condemnation and forfeiture. Portion of product destroyed; remainder released under bond. (F. & D. nos. 31858, 32350. Sample nos. 58707-A, 58803-A.)**

These cases involved interstate shipments of celery that was found to bear arsenic in an amount that might have rendered it injurious to health.

On December 14, 1933, and January 4, 1934, the United States attorney for the Eastern District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 174 crates of celery at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce, from Bridgeton, N.J., by the Seabrook Farms, in part on or about December 12, 1933, and in part on or about January 3, 1934, 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 an added poisonous or deleterious ingredient, arsenic, which might have rendered it harmful to health.

On January 4, 1934, no claim having been entered for the lot covered by the first libel, judgment of condemnation, forfeiture, and destruction was entered. On January 5, 1934, George Lutz & Co., Philadelphia, Pa., having filed a claim for the remaining lot, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the celery involved in the case be released to the claimant upon payment of costs and the deposit of cash bond in the sum of \$150, conditioned that it should not be sold or disposed of contrary to the Federal Food and Drugs Act and all other laws.

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

**21963. Misbranding of salad oil. U. S. v. 151 Cans of Salad Oil. Product released under bond to be relabeled. (F. & D. no. 31862. Sample nos. 52131-A, 52132-A.)**

This case involved a product which was labeled to convey the impression that it was imported olive oil but which was found to consist largely of domestic cottonseed oil.

On January 18, 1934, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 151 cans of salad oil at Newark, N.J., alleging that the article had been shipped in interstate commerce on or about October 2 and October 16, 1933, by the Modern Packing Co., from Brooklyn, N.Y., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Olio Fino Balbo Brand Tipo Lucca Twenty Per cent Olive Oil Eighty Per cent Salad Oil Packed by Modern Packing Co., Brooklyn, N.Y."

It was alleged in the libel that the article was misbranded in that the statement, "Olio Fino Balbo Brand Tipo Lucca", and the designs of olive branches and coat of arms and crown appearing on the label were misleading and deceived and misled the purchaser, since they created the impression that the article was imported Italian olive oil, whereas it consisted largely of domestic cottonseed oil, and this impression was not corrected by the inconspicuous statement at the bottom of the label, "Twenty Percent Olive Oil Eighty Percent Salad Oil." Misbranding was alleged for the further reason that the article

purported to be a foreign product, whereas it consisted in large part of domestic cottonseed oil.

On January 29, 1934, Murray Mester, trading as the Modern Packing Co., claimant, having admitted the allegations of the libel and having consented to the entry of a decree condemning and forfeiting the property, judgment was entered ordering that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$100, conditioned in part that it be repacked in cans labeled to show its true nature.

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

**21964. Adulteration of canned shrimp. U. S. v. 900 Cases of Canned Shrimp. Decree of condemnation and forfeiture. Product released under bond for segregation and destruction of decomposed portion. (F. & D. no. 31864. Sample no. 58806-A.)**

This case involved a shipment of canned shrimp that was found to be in part decomposed.

On January 19, 1934, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 900 cases of canned shrimp at Frankford, Pa., alleging that the article had been shipped in interstate commerce on or about October 14, 1933, by the DeJean Packing Co., Inc., from Biloxi, Miss., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Frankford Brand Wet Pack Shrimp."

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

On January 29, 1934, the H. A. McGinniss Co. having appeared as claimant 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 upon payment of costs and the execution of a bond in the sum of \$3,000, conditioned that the unfit portion be segregated and destroyed under the supervision of this Department.

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

**21965. Adulteration and misbranding of dried peaches. U. S. v. 75 Cases and 50 Cases of Dried Peaches. Decrees of condemnation. Product released under bond. (F. & D. nos. 31887, 31888. Sample no. 39409-A.)**

These cases involved shipments of dried peaches which contained undeclared sulphur dioxide, and a portion of which contained excessive moisture.

On January 31, 1934, the United States attorney for the Western District of North Carolina, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 125 cases of dried peaches in part at Charlotte, N.C., and in part at Statesville, N.C., alleging that the article had been shipped in interstate commerce on or about December 20, 1933, by the Consolidated Packing Co., from San Francisco, Calif., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Matador Brand Selected California Choice [or "Standard"] California Peaches Packed by Consolidated Packing Co. San Francisco, California."

It was alleged in the libels that the portion of the article labeled "Standard", was adulterated in that a product containing excessive water and containing sulphur dioxide had been substituted for dried peaches, which the article purported to be.

Misbranding was alleged with respect to both lots for the reason that the article was labeled so as to deceive and mislead the purchaser, since the presence of added sulphur dioxide was not declared on the label.

On February 23, 1934, the Consolidated Packing Co. having filed a claim for the property and having admitted the allegations of the libels, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the claimant upon the execution of a good and sufficient bond, conditioned that it be relabeled under the supervision of this Department, so that it comply with the law. The 25 cases of "Standard" peaches which contained excessive moisture were destroyed.

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