

**22444. Adulteration of egg colors. U. S. v. 3 Gross Packages, et al., of Simplex Egg Color Set. Default decrees of condemnation, forfeiture, and destruction. (F. & D. nos. 32462, 32496, 32530. Sample nos. 65431-A, 68753-A, 7004-A, 7005-A.)**

These cases involved egg colors that contained excessive lead.

On March 29, April 4, and April 11, 1934, the United States attorneys for the Eastern District of Pennsylvania, the Eastern District of Michigan, and the District of New Jersey, acting upon reports by the Secretary of Agriculture, filed in the respective district courts, libels praying seizure and condemnation of 8 gross and 55 packages or cards, each containing a set of egg colors in various lots, at Philadelphia, Pa., Detroit, Mich., and Newark, N. J., alleging that the article had been shipped in interstate commerce between the dates of March 17 and March 29, 1934, by the Nu-Dell Manufacturing Co., Inc., or the Nu-Dell Products Co., Inc., in part from Chicago, Ill., and in part from New York, N. Y., and charging adulteration in violation of the Food and Drugs Act. The article was labeled, "Simplex Egg Color Set"; certain of the cards were further labeled, "Nu-Dell Mfg. Co., Inc. Chicago."

It was alleged in the libels that the article was adulterated in that it contained an added poisonous and deleterious ingredient, namely, lead, which might have rendered it injurious to health.

On April 27, June 9, and June 25, 1934, 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.

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

**22445. Adulteration of egg colors. U. S. v. 10 Gross Packages of Egg Coloring Sets. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32463. Sample no. 68834-A.)**

This case involved egg colors that contained lead, a poisonous and deleterious ingredient, in an amount that might have rendered the article injurious to health.

On March 29, 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 10 gross packages of egg coloring sets at West Lawn, Pa., alleging that the article had been shipped in interstate commerce, on or about March 13, 1934, by C. H. Dockson Co., from Detroit, Mich., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Artone Easter-Egg Complete Coloring Set Manufactured by Artone Sales Company, \* \* \* Detroit, Mich."

It was alleged in the libel that the article was adulterated in that it contained an added poisonous and deleterious ingredient, lead.

On April 27, 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.*

**22446. Misbranding of canned sweetpotatoes. U. S. v. 460 Cases of Canned Sweetpotatoes. Product released under bond to be relabeled. (F. & D. no. 32465. Sample no. 61574-A.)**

This case involved a product labeled candied sweetpotatoes which was found to consist of mashed sweetpotatoes. Examination also showed that the product was short weight.

On or about March 29, 1934, 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 460 cases of canned sweetpotatoes at Sweetwater, Tex., alleging that the article had been shipped in interstate commerce, on or about February 5, 1934, by Barnette & Sibelle, from Sunset, La., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Pecan Valley Brand Sweet Potatoes prepared with Cane Sugar and Corn Syrup Average Net Weight One Lb. Seven Ozs. Delicious Candied Sweet Potatoes Distributed by Walker Smith Co., Main Office Brownwood, Texas."

It was alleged in the libel that the article was misbranded in that the statements on the label, "Candied Sweet Potatoes", as applied to mashed sweetpotatoes, and "Average net Weight one lb. seven ozs.", were false and misleading and tended to deceive and mislead the purchaser. Misbranding was alleged for

the further reason that the article was offered for sale under the distinctive name of another article, and for the further reason 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.

On April 18, 1934, the Walker-Smith Co., a Texas corporation, claimant, having admitted that the product was misbranded, and having executed a bond in the sum of \$500, conditioned that the labels be corrected to meet the requirements of the Federal Food and Drugs Act, the court ordered that the goods be released to the claimant.

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

**22447. Misbranding of salad oil. U. S. v. 68 Cans and 64 Cans of Salad Oil. Default decree of condemnation. Product delivered to charitable organizations.** (F. & D. no. 32528. Sample nos. 67449-A, 67450-A.)

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

On April 13, 1934, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 132 cans of salad oil at New Haven, Conn., alleging that the article had been shipped in interstate commerce, on or about November 18, 1933, by the Import Oil Corporation, from New York, N. Y., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Samaritana Brand [or "Cardinale Brand"] Oil Tipo Lucca \* \* \* Packed by Import Oil Corp."

It was alleged in the libel that a portion of the article was misbranded in that the statements, "Samaritana Brand Oil", "Tipo Lucca", "Import Oil Corp.", together with the design of olive trees and figure of woman bearing a jar suggesting a jar of olive oil, borne on the label, were misleading and tended to deceive and mislead the purchaser, since they created the impression that the article was imported olive oil; whereas it consisted largely of domestic cottonseed oil. Misbranding of the remainder of the article was alleged for the reason that the statements, "Cardinale Brand Oil", "Tipo", "Import Oil Corp." together with designs of olive branches, borne on the label, were misleading and tended to deceive and mislead the purchaser, since they created the impression that the article was imported olive oil; whereas it consisted largely of domestic cottonseed oil, and this impression was not corrected by the inconspicuous statement on the label, "High Grade Vegetable Oil with Flavor." Misbranding of the product in both lots was alleged for the further reason that it purported to be a foreign product when not so.

On May 28, 1934, no claimant having appeared for the property, judgment of condemnation was entered and the court ordered that the United States marshal deliver the product to charitable organizations and destroy the containers.

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

**22448. Adulteration and misbranding of oil. U. S. v. 26 Cans of Alleged Olive Oil. Default decree of condemnation. Product distributed to charitable organizations.** (F. & D. no. 32558. Sample no. 67348-A.)

This case involved a product labeled to convey the impression that it was imported olive oil. Examination showed that the article consisted largely of domestic cottonseed oil, and that the cans contained less than the labeled volume.

On April 18, 1934, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 26 cans of alleged olive oil at Bridgeport, Conn., alleging that the article had been shipped in interstate commerce, on about October 2, 1933, by F. Bentwegna from New York, N. Y., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Italian Produce Sublime Olive Oil Imported by Acomo Fo Lucca."

It was alleged in the libel that the article was adulterated in that cottonseed oil had been substituted wholly or in part for olive oil, which the article purported to be.

Misbranding was alleged for the reason that the statements on the label, "Italian Produce Sublime Olive Oil Lucca Imported The Olive Oil contained in this can is pressed from fresh picked high grown fruit Net Contents One Gallon", were false and misleading and tended to deceive and mislead the purchaser since it consisted largely of domestic cottonseed oil and was