

22509. Adulteration and misbranding of fruit-flavored sirups. U. S. v. 30 Cases of Strawberry Flavored Sirup, et al. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32287. Sample nos. 51979-A, 51982-A.)

This case involved a shipment of strawberry-, and lemon- and lime-flavored sirups which were found to consist of imitation sirups artificially flavored, the lemon and lime being also artificially colored.

On March 12, 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 30 cases of strawberry-flavored sirup and 30 cases of lemon and lime sirup at Elizabeth, N. J., alleging that the articles had been shipped in interstate commerce on or about July 24, 1933, by the Snaider Syrup Corporation, from Brooklyn, N. Y., and charging adulteration and misbranding in violation of the Food and Drugs Act. The articles were labeled in part: "Snaider's American Brand * * * Strawberry Flavored Syrup [or "Lemon & Lime"] Snaider Syrup Corp. * * * Brooklyn, N. Y."

It was alleged in the libel that the articles were adulterated in that an artificially flavored imitation strawberry sirup had been substituted for strawberry flavored sirup and in that an artificially colored and flavored lemon and lime sirup had been substituted for lemon- and lime-flavored sirup. Adulteration was alleged for the further reason that the strawberry-flavored sirup was mixed in a manner whereby inferiority was concealed, and the lemon and lime sirup was mixed and colored in a manner whereby inferiority was concealed.

Misbranding was alleged for the reason that the statements on the labels, "Strawberry" and "Lemon & Lime", were false and misleading and tended to deceive and mislead the purchaser. Misbranding was alleged for the further reason that they were imitations of other articles and were offered for sale under the distinctive names of other articles.

On May 25, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the products be destroyed by the United States marshal.

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

22510. Misbranding of salad oil. U. S. v. 28 Cans of Salad Oil. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32288. Sample no. 67416-A.)

This case involved a product consisting chiefly of cottonseed oil which was labeled to create the impression that it was olive oil.

On March 12, 1934, the United States attorney for the District of New Jersey, acting upon a report by the Secretary, filed in the district court a libel praying seizure and condemnation of 28 cans of salad oil at Jersey City, N. J., alleging that the article had been shipped in interstate commerce, on or about January 20, 1934, by the Saporito Product Co., from Brooklyn, N. Y., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Marca Catania Best and Purest of Virgin Oil * * * Lucca Type. Packed by Saporito Product Co., Brooklyn, N. Y."

It was alleged in the libel that the article was misbranded in that the statements on the label, "Marca Catania Best and Purest of Virgin Oil * * * Lucca Type", were false and misleading and tended to deceive and mislead the purchaser since they created the impression that the product was olive oil, whereas it consisted chiefly of cottonseed oil with little or no olive oil.

On May 25, 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.*

22511. Misbranding of tomato juice. U. S. v. 23 Cases of Tomato Juice. Decree of forfeiture with provision for release under bond. (F. & D. no. 32293. Sample no. 66774-A.)

Sample cans of tomato juice taken from the shipment in this case were found to contain less than 20 ounces, the labeled volume.

On March 10, 1934, the United States attorney for the District of Montana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 20 cases of tomato juice at Billings, Mont., alleging that the article had been shipped in interstate

commerce, on or about January 16, 1934, by the Pleasant Grove Canning Co., from Orem, Utah, and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Utah Valley Brand Tomato Juice Contents 20 Oz. Packed by Pleasant Grove Canning Co., Pleasant Grove, Orem, Utah."

It was alleged in the libel that the article was misbranded in that the statement on the label that the cans contained 20 ounces of the product, was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was 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 May 23, 1934, no claimant having appeared for the property, a decree of forfeiture was entered and it was ordered by the court that the product might be released if a claimant appeared within 10 days, paid costs of the proceedings, and filed a bond conditioned that it would not be disposed in violation of the law; otherwise that it be destroyed. On July 2, 1934, judgment of condemnation was entered.

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

22512. Misbranding of canned peas. U. S. v. 120 Cases of Canned Peas. Decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. no. 32299. Sample no. 62093-A.)

This case involved a shipment of canned peas that fell below the standard established by this Department because of the presence of excessive mature peas, and which were not labeled to indicate that they were substandard.

On March 12, 1934, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 120 cases of canned peas at Baltimore, Md., alleging that the article had been shipped in interstate commerce, on or about January 13, 1934, by the G. L. Webster Canning Co., from Cheriton, Va., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Can) "Cheriton Brand * * * Early June Peas Packed by G. L. Webster Canning Co., Incorporated, Cheriton, Virginia."

It was alleged in the libel that the article was misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture, because of the presence of excessive mature peas, and its package or label did not bear a plain and conspicuous statement prescribed by regulation of this Department, indicating that it fell below such standard.

On April 5, 1934, the Guy L. Webster Co., Inc., Cheriton, Va., 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 \$125, conditioned that it be relabeled so as to conform to the requirements of the Federal Food and Drugs Act.

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

22513. Adulteration of tomato paste. U. S. v. 35 Cases of Tomato Paste. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32319. Sample no. 65092-A.)

This case involved a shipment of tomato paste that contained excessive mold.

On March 16, 1934, 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 35 cases of canned tomato paste at Chicago, Ill., alleging that the article had been shipped in interstate commerce, on or about January 22, 1934, by the Empire Freight Co. (invoiced by the Italian Food Products Co., Long Beach, Calif.) from Los Angeles, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Il Duomo Brand Concentrate Di Pomodoro."

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

On May 15, 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.*