

demnation and forfeiture was entered, and it was ordered that the product be released under bond, conditioned that it should not be disposed of in violation of the Food and Drugs Act.

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

23060. Misbranding of canned tuna. U. S. v. 108 Cases and 25 Cases of Canned Tuna. Decrees of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. nos. 33160, 33161. Sample no. 63231-A.)

These cases involved a product consisting of so-called scrap meat or tuna flakes which was labeled to convey the impression that it was solid-pack tuna.

On August 6, 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 libels praying seizure and condemnation of 133 cases of canned tuna at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce from Wilmington, Calif., on or about June 26, 1934, and that it was misbranded in violation of the Food and Drugs Act. The shipment was made by the Halfhill Co., Ltd., Los Angeles. The article was labeled in part: "Better-Than-Chicken Brand Fancy White Tuna [picture showing contents of a can of solid-pack tuna] Packed in Japan * * * For Halfhill Packing Corporation, Inc. Long Beach, Calif. * * * Flakes", the word "Flakes" being inconspicuous.

The article was alleged to be misbranded in that the statement "Fancy White Tuna" and the picture of contents of a can of solid-pack tuna were false and misleading and tended to deceive and mislead the purchaser, and the impression given by the said statement and picture was not corrected by the inconspicuous word "Flakes."

On August 31, 1934, George Bornet, Philadelphia, Pa., having appeared as claimant, judgments of condemnation and forfeiture were entered, and it was ordered that the product be released under bond, conditioned that it be relabeled.

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

23061. Misbranding of apple jack brandy. U. S. v. 172 Bottles of Old Hunt Club Apple Jack Brandy. Decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. no. 33177. Sample no. 4675-A.)

This case involved a shipment of apple jack brandy that was short volume. The product was labeled, "90 proof", but was found to be 77.5 proof.

On August 8, 1934, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the District of Columbia, holding a district court, a libel praying seizure and condemnation of 172 bottles of apple jack brandy at Washington, D. C., alleging that the article had been shipped in interstate commerce, on or about June 7, 1934, by the Old Prescription Co., Inc., from Jersey City, N. J., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Old Hunt Club Apple Jack Brandy Net Contents One Pint Alcoholic Contents 90 Proof * * * Old Prescription Company, Inc. New York."

The article was alleged to be misbranded in that the statements on the bottle label, "Net Contents One Pint Alcoholic Contents 90 proof", were false and misleading and tended to deceive and mislead the purchaser; 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, since the statement made was incorrect.

On August 11, 1934, the Old Prescription Co., having appeared as claimant, judgment of condemnation and forfeiture was entered, and it was ordered that the product be released under bond conditioned that it be relabeled in a manner approved by this Department.

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

23062. Misbranding of salad oil. U. S. v. 26 Cans of Salad Oil. Default decree of condemnation. Product delivered to charitable institutions. (F. & D. no. 33179. Sample no. 6599-B.)

This case involved a product consisting chiefly of domestic cottonseed oil, with olive oil odor and flavor, that was labeled to convey the impression that it was olive oil.

On or about August 10, 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 salad oil at New Haven, Conn., alleging that the article had been shipped in interstate commerce, on or about December 18, 1933, by the Agash Refining Corporation, from Brooklyn, N. Y., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Extra Fine Oil San Gennaro Brand Contains Virgin Olive Oil Fifteen Per Cent. Other Vegetable Oils Eighty Five Per Cent. With Harmless Color & Flavor. Perfected by the packers of Agash Olive Oil One Gallon. * * * Agash Refining Corp. Brooklyn, N. Y.", the words "Agash Olive Oil" being prominent.

The article was alleged to be misbranded in that the statements, "Extra Fine Oil", "Olio Extra Fino", and "The Olive Oil contained in this can is pressed from fresh picked fruit", together with the prominent statement "Agash Olive Oil", were misleading and tended to deceive and mislead the purchaser, since they created the impression that the article was olive oil; whereas it consisted chiefly of domestic cottonseed oil, and the said statements were not corrected by the inconspicuous reference in script to the presence of 85 percent of other vegetable oil. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article.

On September 11, 1934, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be delivered to charitable institutions.

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

23063. Misbranding of salad oil. U. S. v. 12 Cans of Salad Oil. Consent decree of condemnation. Product delivered to charitable institutions. (F. & D. no. 33180. Sample no. 6600-B.)

This case involved a product that was labeled to convey the impression that it was olive oil, but which consisted of domestic cottonseed oil and olive oil. Sample cans taken from the lot were found to contain less than 1 gallon, the volume declared on the label.

On or about August 10, 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 12 cans of salad oil at New Haven, Conn., alleging that the article had been shipped in interstate commerce, on or about May 21, 1934, by the 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: "One Gallon Extra Fine Oil Mariuccia Brand Pure Olive Oil Twenty Per Cent Best Quality of Vegetable Oil Eighty Per Cent * * * Superfine Olive * * * Oil [similar statements in Italian]."

The article was alleged to be misbranded in that the statements on the label, "Pure Olive Oil", "Puro Olio D'Oliiva", "Extra Fine Oil", and "Olio Extra Fino", and the design of an olive branch on the label, were misleading and tended to deceive and mislead the purchaser, since they created the impression that the product was olive oil, whereas it consisted of domestic cottonseed oil and olive oil. Misbranding was alleged for the further reason that the statement "One Gallon", on the label, was false and misleading and tended to deceive and mislead the purchaser; 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 was incorrect; and for the further reason that it was offered for sale under the distinctive name of another article.

On August 29, 1934, no claim having been entered for the property, judgment of condemnation was entered and it was ordered that the product be delivered to charitable institutions.

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

23064. Adulteration of crab meat. U. S. v. 2 Barrels, et al., of Crab Meat. Default decrees of condemnation and destruction. (F. & D. nos. 33183, 33196, 33200. Sample nos. 4821-B, 4836-B, 4844-B.)

These cases involved interstate shipments of crab meat which was found to contain filth.

On July 18, July 26, and August 1, 1934, the United States attorney for the District of Maryland, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 7 barrels and 1 box of crab meat at Baltimore, Md., alleging that the article had been shipped