

The article was alleged to be adulterated in that it consisted in part of a decomposed animal substance.

Misbranding was alleged for the 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.

On November 5, 1934, Wilson & Co., Inc., of Louisiana, having appeared as claimant and having admitted the allegations of the libel, judgment of condemnation was entered and it was ordered that the product be released to the claimant under bond, conditioned that the good be separated from the bad and the good portion properly labeled, and that it should not be disposed of until inspected and approved by this Department.

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

23314. Misbranding of salad oil. U. S. v. 20 Cans, et al., of Salad Oil. Default decree of condemnation and destruction. (F. & D. no. 33537. Sample nos. 6756-B, 6757-B, 6758-B.)

This case involved a product consisting of domestic cottonseed oil and olive oil, principally cottonseed oil, which was labeled to convey the impression that it was olive oil of foreign origin.

On September 24, 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 22 gallon cans, and 14 half-gallon cans of salad oil at Jersey City, N. J., alleging that the article had been shipped in interstate commerce, on or about May 24, 1934, by Vincent Buonocore, Inc., from New York, N. Y., and charging misbranding in violation of the Food and Drugs Act.

Misbranding was alleged with respect to a portion of the article in that the statements, "Superfine Oil", "The contents of Olive Oil in this can is imported from Italy", and the prominent words "Virgin Olive Oil", in the statement, "Pure and delicious Oil composed of twenty per cent Virgin Olive Oil and eighty per cent choice salad oil", together with designs of leaves and branches suggestive of olive branches and designs of crown and medals, appearing on the labels, were misleading, since they created the impression that the article was imported olive oil; whereas it consisted essentially of domestic cottonseed oil. Misbranding of the remainder was alleged for the reason that the statements, "Fine-Oil", "The contents of Olive Oil in this can is imported from Italy", together with designs of leaves and branches suggestive of olive branches, and designs of crown and medals, appearing 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 essentially of domestic cottonseed oil, and this impression was not corrected by the statements, "Consisting of eighty percent Domestic Vegetable Oil and twenty percent Virgin Olive Oil", and "Fine and delicious Oil composed of eighty per cent Domestic Vegetable Oil and twenty per cent Virgin Olive Oil", appearing in comparatively small type. Misbranding was alleged for the further reason that the article purported to be a foreign product when not so.

On November 5, 1934, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

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

23315. Adulteration of apples. U. S. v. 120 Bushels of Apples. Default decree of condemnation and destruction. (F. & D. no. 33569. Sample no. 4333-B.)

Examination of the apples involved in this case showed the presence of lead and arsenic.

On September 12, 1934, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 120 bushels of apples at St. Louis, Mo., alleging that the article had been shipped in interstate commerce, on or about September 8, 1934, by John Jacobs, from Golden Eagle, Ill., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Jonathan John Jacobs Golden Eagle, Ill."

The article was alleged to be adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it harmful to health.

On October 29, 1934, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

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