

**24438. Adulteration of cauliflower. U. S. v. 8 Crates of Cauliflower. Default decree of condemnation and destruction. (F. & D. no. 34963. Sample no. 1971-B.)**

Examination of the cauliflower involved in this case showed the presence of arsenic and lead in amounts that might have rendered it injurious to health.

On December 21, 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 eight crates of cauliflower at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about November 30, 1934, by P. Ehrlich, from Los Angeles, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Sylvia Brand P. Ehrlich Los Angeles, Calif."

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

On February 16, 1935, 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.*

**24439. Adulteration of spinach. U. S. v. 864 Baskets of Spinach. Default decree of condemnation and destruction. (F. & D. no. 34990. Sample no. 11187-B.)**

This case involved a shipment of spinach that was worm-infested and decomposed.

On January 23, 1935, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 864 baskets of spinach at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about January 7, 1935, by Ritchie Bros., from Eagle Pass, Tex., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Ritchie Volume One Bushel."

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

On February 13, 1935, 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.*

**24440. Adulteration of tomato puree. U. S. v. 183 Cases of Tomato Puree. Default decree of condemnation and destruction. (F. & D. no. 34991. Sample no. 19775-B.)**

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

On January 24, 1935, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 183 cases of tomato puree at Cincinnati, Ohio, shipped on or about August 11, 1934, alleging that the article had been shipped in interstate commerce by the Morgan Packing Co., from Austin, Ind., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Scott Brand Tomato Puree \* \* \* Morgan Packing Co. Austin, Indiana."

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

On February 26, 1935, 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.*

**24441. Misbranding of salad oil. U. S. v. 17 Cans, et al., of Salad Oil. Decrees of condemnation. Portion of product destroyed. Remainder released under bond to be relabeled. (F. & D. nos. 35004, 35005, 35006. Sample nos. 4530-B, 4531-B, 4532-B.)**

These cases involved a product consisting principally of cottonseed oil which was labeled to convey the impression that it was Italian olive oil. The label failed to bear a plain and conspicuous statement of the quantity of the contents.

On January 25, 1935, 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, libels praying seizure and condemnation of 108 gallon cans of salad oil at Washington, D. C. The

libels charged that a portion of the article had been shipped on or about September 5, 1934, from Trenton, N. J., into the District of Columbia by the Italian Food Products Corporation of America; that the remainder was being offered for sale and sold in the District of Columbia in possession of Caruso, Inc., and Niosi & Co., of Washington, D. C.; and that it was misbranded in violation of the Food and Drugs Act as amended. The article was labeled in part: "Olio Doppia Stella \* \* \* Packed by Italian Food Products Corp. of America Trenton, U. S. A. Palermo, Italy."

The article was alleged to be misbranded in that the following statements on the labels "Olio Doppia Stella La Doppia Stella \* \* \* Olio Da Tavola E Per Uso Cucina Extra Puro Qualita Insuperabile", "Double Star Brand is the highest grade of oil combining all \* \* \* qualities of olive oil \* \* \* Packed by Italian Food Products Corp. of America \* \* \* Palermo, Italy", and "La Doppia Stella \* \* \* E' il migliore Olio Esistente Che Piu S'Avvicina Alle Caratteristi Che Fische E Nu Trienti Dell' Olio D'Oliiva, Impaccato E Confezionato Sotto Le Migliori Condizioni Igieniche", were misleading and tended to deceive and mislead the purchaser since they created the impression that the article was imported Italian olive oil; whereas it was domestic cottonseed oil containing little or no olive oil, and this impression was not corrected by the statement at the bottom of the main panels, "A Blend Finest Vegetable Oil With Pure Olive Oil", since the term "Vegetable Oil" may include olive oil. Misbranding was alleged for the further reason that the article purported to be a foreign product when not so. Misbranding was alleged 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, "Contents 1 Gallon More or Less", was not in proper form.

On March 11, 1935, the Italian Food Products Corporation of America, Inc., having appeared as claimant for 83 cans of the product, judgment of condemnation was entered and it was ordered that the said 83 cans be released to the claimant under bond, conditioned that it be relabeled under the supervision of this Department. On March 12, 1935, no claimant having appeared for the remaining lots, judgments of condemnation were entered and it was ordered that they be disposed of in such manner as would not violate the Federal Food and Drugs Act. The unclaimed lots were destroyed by the United States marshal.

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

**24442. Adulteration of tomato puree. U. S. v. 172 Cases of Tomato Puree. Default decree of condemnation and destruction. (F. & D. no. 35024. Sample no. 27951-B.)**

This case involved tomato puree that contained excessive mold.

On January 25, 1935, 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 172 cases of tomato puree at St. Louis, Mo., alleging that the article had been shipped in interstate commerce on or about December 8, 1934, by the Wabash Valley Canning Co., Inc., from Attica, Ind., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Wabash Valley Brand Tomato Puree \* \* \* Packed by Wabash Valley Canning Co. Attica, Indiana."

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

On March 12, 1935, 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.*

**24443. Adulteration of prunes. U. S. v. 75 Cases of Prunes. Default decree of condemnation and destruction. (F. & D. no. 35029. Sample no. 11938-B.)**

This case involved a shipment of prunes which were found to be insect-infested.

On January 29, 1935, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 75 cases of prunes at Provo, Utah, alleging that the article had been shipped in interstate commerce on or about July 11, 1934, by the Sunland Sales Cooperative Association, from Fresno, Calif., and charging adulteration in violation of the Food and Drugs Act. The