

**24730. Adulteration of canned shrimp. U. S. v. 57 Cases of Canned Shrimp. Consent decree of condemnation. Product released under bond for segregation and destruction of decomposed portions. (F. & D. no. 34560. Sample no. 21247-B.)**

This case involved canned shrimp which was in part decomposed.

On or about December 17, 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 57 cases of canned shrimp at New Haven, Conn., alleging that the article had been shipped in interstate commerce in part on or about August 13, 1934, and in part on or about October 15, 1934, by the Deer Island Fish & Oyster Co., of Bayou La Batre, Ala., from Mobile, Ala., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Gulf's Best Brand Fancy Baby Shrimp \* \* \* Bayou La Batre, Ala. Biloxi, Miss.

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

On May 22, 1935, the Deer Island Fish & Oyster Co., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that the decomposed portion be segregated and destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24731. Misbranding of salad oil. U. S. v. 3 Cartons, et al., of Salad Oil. Decrees of condemnation. Portion of product released under bond to be re-labeled. Remainder ordered relabeled and delivered to charitable organizations. (F. & D. nos. 34395, 34669, 34670, 35037. Sample nos. 17931-B, 21264-B, 21273-B.)**

These cases involved two brands of salad oil, one consisting of a mixture of cottonseed oil and another oil similar to sunflower oil, with little or no olive oil present; and the other consisting principally of cottonseed oil with some olive oil present, both of which were labeled to convey the impression that the product was olive oil of foreign origin.

On November 19, 1934, the United States attorney for the Middle District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of five cartons of salad oil at Hazleton, Pa. On December 26, 1934, and January 8, 1935, libels were filed against 194 cans of salad oil at New Haven, Conn., and 25 cartons of salad oil at Hazleton, Pa. The libels charged that the article had been shipped in interstate commerce in various shipments between the dates of July 18 and October 25, 1934, by the Venice Importing Co., from Brooklyn, N. Y., and that it was misbranded in violation of the Food and Drugs Act. A portion of the article was labeled: "Olio Romanelle Brand \* \* \* Venice Importing Co. New York Importers & Packers." The remainder was labeled in part: "Olio Sopraffino Belbo Brand \* \* \* Packed By SB B'klyn, N. Y."

The Romanelle brand was alleged to be misbranded in that the following statements on the label, "Olio Marca Romanelle", "Ottanta Per Cento Olio Puro Vegetale Venti Per Cento Olio Di Oliva Puro Importato", "Attenzione La eccezionale ricchezza e l'aroma superiore dell' Olio Romanelle non e' accidentale. Questo e' il risultato di una scientifica scelta nella preparazione degli oli. Per anni la direzione di questa compagnia ha fatto uno studio accurato per ottenere un ottimo gusto in modo che ciascuno recipiente possa ricevere una perfezionata ed esatta porzione di vitamine e di valore nutritivo in giusta proporzione. La qualita' e l'aroma piuttosto che la quantita' di produzione sono stati sempre la mira di questa compagnia", and "Venice Importing Co. New York Importers & Packers", were misleading and tended to deceive and mislead the purchaser, since they created the impression that the product was Italian olive oil; whereas it was not, and this impression was not corrected by the subsidiary statement on the label, "Eighty Per Cent Pure Vegetable Oil Twenty Per Cent Pure Imported Olive Oil", in view of the marked prominence given to the word "Olio." Misbranding of the Belbo brand was alleged for the reason that the statements, "Olio Sopraffino Belbo \* \* \* Questo Latta Contiene Una Deliziosa Qualita Di Olio Per Insalata Uso Tavola E Per Uso Cucina", together with the design of the Italian coat of arms, were misleading and tended to deceive and mislead the purchaser, since they created the impression that the article was Italian olive oil; whereas it was not. Misbranding was alleged with respect to both brands of the product for the further reason that it purported to be a foreign product when not so.

On April 22, 1935, no claimant having appeared for the product seized at Hazleton, Pa., judgments of condemnation were entered and it was ordered that the product be emptied into properly labeled containers and delivered to charitable organizations. On September 17, 1935, claims having been entered for the property seized at New Haven, Conn., judgments of condemnation were entered and it was ordered that the product be released to the claimant under bond conditioned that it be relabeled.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24732. Adulteration of tomato puree. U. S. v. 222 Cases of Tomato Puree. Consent decree of condemnation and destruction. (F. & D. no. 34686. Sample no. 25273-B.)**

This case involved an interstate shipment of canned tomato puree that contained excessive mold.

On January 3, 1935, 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 222 cases of canned tomato puree at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about September 22, 1934, by the Rush County Packing Co., from Glenwood, Ind., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Richelieu Brand Puree of Tomatoes \* \* \* Distributed by Sprague, Warner & Company, Chicago, Ill."

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

On May 6, 1935, the Rush County Packing Co., the sole intervenor, having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24733. Adulteration of tomato puree and adulteration and misbranding of tomato paste and tomato catsup. U. S. v. 36 Cases of Tomato Paste, et al. Default decrees of condemnation and destruction. (F. & D. nos. 34989, 35070, 35186, 35296, 35347, 35366, 35523. Sample nos. 14579-B, 14600-B, 14740-B, 23686-B, 26022-B, 26049-B, 29042-B.)**

These cases involved tomato products which were adulterated, all lots having been found to contain excessive mold, and one lot being artificially colored. Portions of the products also were misbranded.

On January 25, February 9, February 27, March 23, April 8, and April 12, 1935, the United States attorney for the District of Massachusetts, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 46 cases of tomato paste at Worcester, Mass., 41 cases of tomato puree at Boston, Mass., and 47 cases of tomato catsup and 25 cases of tomato paste at Lawrence, Mass. On May 21, 1935, a libel was filed in the Western District of Pennsylvania against six cases of tomato paste at Washington, Pa. The libels alleged that the articles had been shipped in interstate commerce between the dates of September 26, 1934 and March 21, 1935, by the Brocton Preserving Co., Inc., in part from Brocton, N. Y., and in part from Fredonia, N. Y., and charged that they were adulterated, and that portions of the tomato paste and tomato catsup were also misbranded in violation of the Food and Drugs Act. The articles were labeled, variously: "Fairview Tomato Puree \* \* \* Packed by Brocton Preserving Co. Brocton, N. Y."; "Brocton Brand Tomato Ketchup \* \* \* Guaranteed to be Pure and to Comply with All Food Laws Brocton Preserving Co., Brocton, N. Y."; "Fedora Italian Style Tomato Paste \* \* \* Salsa Pura Di Pomodoro Con Basilico Packed by Brocton Preserving Co. Brocton, New York."

The articles were alleged to be adulterated in that they consisted wholly or in part of a decomposed vegetable substance. A portion of the tomato paste was alleged to be further adulterated in that it was colored in a manner whereby inferiority was concealed.

Misbranding was alleged with respect to portions of the articles in that certain statements in the labeling were false and misleading and tended to deceive and mislead the purchaser, viz. "Guaranteed to be Pure and to Comply With All Food Laws", with respect to a portion of the tomato ketchup, since it was not pure and did not comply with the Federal Food and Drugs Act, "Con Basilico", with respect to a portion of the tomato paste, since it contained no basil; and "Tomato Paste \* \* \* Salsa Pura Di Pomodoro", with respect to a portion of the tomato paste, since it was artificially colored