

On March 25, 1936, the United States attorney for the Western District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 292 cases of canned tomatoes at Norman, Okla., alleging that the article had been shipped in interstate commerce on or about January 27 and 29, 1936, by Hargis Canneries, Inc., from Huntsville, Ark., and that it was misbranded in violation of the Food and Drugs Act as amended. The article was labeled: "Red Ripe Brand Tomatoes Contents 1 Lb. 3 Ozs. Packed by Huntsville Canning Company Huntsville, Ark."

The article was alleged to be misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture for such canned food, since the tomatoes were not normally colored, and the package or container did not bear a plain and conspicuous statement prescribed by the Secretary of Agriculture, indicating that the article fell below such standard.

On April 22, 1936, the Huntsville Canning & Manufacturing Co., claimant, having admitted the allegations of the libel and having consented to a decree, judgment of condemnation was entered, and it was ordered that the product be released under bond conditioned that it be relabeled.

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

26036. Adulteration and misbranding of alleged olive oil. U. S. v. Twelve 1-Gallon Tins, et al., of alleged Olive Oil. Default decree of condemnation and destruction. (F. & D. nos. 37445, 37447. Sample nos. 61547-B, 61553-B.)

These cases involved alleged olive oil that consisted in part of tea-seed oil.

On March 26, 1936, the United States attorney for the District of Connecticut, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of twelve 1-gallon tins and 20 half-gallon tins of alleged olive oil at Bridgeport, Conn., and seventy-eight 1-gallon tins of alleged olive oil at New Haven, Conn., alleging that the article had been shipped in interstate commerce on or about August 7 and October 21, 1935, by Sol Balamut, from Brooklyn, N. Y., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Italian Product Lucca Extra Virgin Olive Oil Tuscany [or "Rosner"] Brand Imported from Italy."

The article was alleged to be adulterated in that tea-seed oil had been mixed and packed therewith so as to reduce or lower its quality or strength, and in that tea-seed oil had been substituted in whole or in part for olive oil, which the article purported to be.

The article was alleged to be misbranded in that the following statements and designs appearing upon the packages were false and misleading and tended to deceive and mislead the purchaser when applied to a product containing tea-seed oil: The design of olive branches with olives and the statements: "Italian Product Lucca Extra Virgin Olive Oil * * * Imported from Italy Italian product extra virgin olive oil for medicinal and table uses. We guarantee this olive oil to be absolutely pure under chemical analysis. Prodotto Italiano Olio extra vergine di oliva garantito puro sotto qualunque analisi chimica. * * * Prodotto Italiano Lucca Extra Vergine Olio d' Oliva * * * Importato dall' Italia"; (top of can) "Imported olive oil [or "Imported Pure Olive Oil"]." The article also was alleged to be misbranded in that it was offered for sale under the distinctive name of another article, namely, olive oil.

On June 30 and September 11, 1936, no claimant having appeared, judgments of condemnation were entered and it was ordered that the product be destroyed.

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

26037. Adulteration and misbranding of olive oil. U. S. v. 6 Cans of Olive Oil, and two other actions. Default decree of condemnation and destruction. (F. & D. nos. 37446, 37451, 37493. Sample nos. 61238-B, 61239-B, 70414-B.)

These cases involved interstate shipments of so-called olive oil that contained tea-seed oil.

On March 25, 1936, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court two libels, one praying seizure and condemnation of six cans of so-called olive oil at Philadelphia, Pa.; and on March 27, 1936, the United States attorney for the District of New Jersey, acting upon reports by the Secretary of Agriculture, filed in the district court two libels praying seizure and condemnation, one of 30 cans, and the other, 28 cans of so-called olive oil, at

Hoboken and Paterson, N. J., respectively. The libels alleged that the articles had been shipped in interstate commerce on or about November 14 and 30, 1935, and February 26, 1936, by Vincent Buonocore, Inc., from New York, N. Y., and that they were adulterated and misbranded in violation of the Food and Drugs Act.

The article seized at Philadelphia and at Paterson was labeled in part: "One Gallon Roma Brand Pure Olive Oil Il Campidoglio (Roma) * * * VB Inc. Imported Product." The article seized at Hoboken was labeled in part: "Messina Brand Virgin Olive Oil Italian Product Packed for Messina Imp. Co. Hoboken, N. J."

The articles in all three of the cases were alleged to be adulterated in that tea-seed oil had been mixed and packed with the article so as to reduce and lower its quality or strength, and in that tea-seed oil had been substituted in whole or in part for olive oil, which the articles purported to be.

The article seized at Philadelphia was alleged to be misbranded in that the following statements and designs appearing on the label were false and misleading and tended to deceive and mislead the purchaser when applied to a product containing tea-seed oil: Representation of the capitol at Rome; "Roma * * * Pure Olive Oil Il Campidoglio (Roma) * * * Imported Product Questo Olio d'Oliva e garantito assolutamente puro sotto analisi chimica * * * Roma This Olive Oil is guaranteed to be absolutely pure under chemical analysis Roma * * *." The article seized at Hoboken was alleged to be misbranded in that the following statements and designs appearing upon the label were false and misleading and tended to deceive and mislead the purchaser when applied to a product containing tea-seed oil: Design of olive branches with olives; "Virgin Olive Oil Italian Product This olive oil is guaranteed to be absolutely pure recommended for cooking, table, and medicinal use Olio d'Oliva Vergine Prodotto Italiano Quest' olio d'oliva e garantito assolutamente puro e raccomandato per uso da tavola, cucina e per uso medicinale"; (top of can) "Imported Olive Oil." The article at Paterson was alleged to be misbranded in that the statements and designs appearing upon the label were false and misleading and tended to deceive and mislead the purchaser when applied to a product containing tea-seed oil: (Main panels) "Roma * * * Pure Olive Oil Il Campidoglio (Roma) Marca Registrata * * * Imported Product", "Roma * * * Puro Olio D'Oliva Campidoglio (Roma) Marca Registrata * * * Prodotto Importato", representation of capitol at Rome; (side panels) "Questo Olio D'Oliva e garantito assolutamente puro sotto analisi Chimica Marca Roma—This Olive Oil is guaranteed to be absolutely pure under chemical analysis Roma * * *."

The articles in all three of the cases were alleged to be misbranded in that they were offered for sale under the distinctive names of another article, namely, olive oil.

On March 25 and May 22, 1936, no claimants having appeared, judgment of condemnation was entered and it was ordered that the products be destroyed.

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

26038. Adulteration of canned salmon. U. S. v. 15,400 Cases and 4,851 Cases of Canned Salmon. Consent decrees of condemnation. Product released under bond for segregation and destruction of decomposed portions. (F. & D. nos. 37448, 37590. Sample nos. 65112-B, 65142-B, 65148-B, 65157-B, 65199-B.)

These cases involved interstate shipments of canned salmon examination of which showed the presence of decomposed salmon.

The United States attorney for the Western District of Washington, acting upon reports by the Secretary of Agriculture, on March 24, 1936, filed in the district court a libel praying seizure and condemnation of 15,400 cases, and on April 13, 1936, a libel praying seizure and condemnation of 4,851 cases of canned salmon at Seattle, Wash., alleging that the article had been shipped in interstate commerce, on or about July 25 and July 29, 1935, by the Kadiak Fisheries Co., from Kodiak, Alaska, and that it was adulterated in violation of the Food and Drugs Act.

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

On April 21 and 28, 1936, the Kadiak Fisheries Co., claimant, having admitted the allegations of the libels and having consented to decrees, judgments of condemnation were entered, and it was ordered that the article be released under bond conditioned that the decomposed portions be segregated and destroyed.

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