

August 7, 1935, by the Berg Packing Co., from Ketchikan, Alaska, and charging adulteration 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 June 10, 1936, the Berg Packing Co. having appeared as claimant 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 it not be disposed of in violation of the Food and Drugs Act.

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

26096. Adulteration of canned salmon. U. S. v. 1,993 Cases of Canned Salmon. Consent decree of condemnation. Product released under bond. (F. & D. no. 37745. Sample no. 52336-B.)

This case involved a shipment of canned salmon which was in part decomposed.

On May 16, 1936, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 1,993 cases of canned salmon at New Orleans, La., alleging that the article had been shipped in interstate commerce on or about April 3, 1936, by the Wesco Food Co., from San Francisco, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Dawn Brand Alaska Pink Salmon * * * Packed in Alaska * * * Packed by Sebastian Stuart Fish Company, Seattle, Wash."

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

On June 26, 1936, the Sebastian Stuart Fish Co. having appeared as claimant 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 it not be disposed of in violation of the Food and Drugs Act.

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

26097. Adulteration of crab meat. U. S. v. Twenty-two 1-Pound Cans of Crab Meat, et al. Default decrees of condemnation and destruction. (F. & D. nos. 37746, 37751, 37752, 37784. Sample nos. 45522-B, 64233-B, 64236-B, 64237-B.)

These cases involved shipments of crab meat that contained fecal *Bacillus coli*.

On May 16, May 18, and May 19, 1936, the United States attorneys for the District of Columbia and the District of Maryland, acting upon reports by the Secretary of Agriculture, filed in the district courts libels praying seizure and condemnation of 37 cans and 2 barrels of crab meat at Washington, D. C., and one tub of crab meat at Baltimore, Md., alleging that the article had been shipped in interstate commerce on or about May 12, May 14, and May 16, 1936, by Brunswick Fisheries, Inc., from Brunswick, Ga., and charging adulteration 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 filthy animal substance.

On June 9 and June 25, 1936, no claimants having appeared, judgments of condemnation were entered and it was ordered that the product be destroyed.

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

26098. Misbranding of olive oil. U. S. v. 9 Cartons of Olive Oil. Default decree of condemnation. Product ordered distributed to charitable institutions. (F. & D. no. 37747. Sample no. 59622-B.)

This case involved a shipment of olive oil that was short in volume.

On May 18, 1936, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of nine cartons of olive oil at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about January 4, 1936, by Hampden Sales Association, from New York, N. Y., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Miami Pure Virgin Olive Oil from the Finest Selected Olives. * * * 2 Fluid Ounces."

The article was alleged to be misbranded in that a statement on the label, "2 Fluid Ounces", was false and misleading and tended to deceive and mislead the purchaser when applied to a product in bottles containing less than 2 fluid ounces; and in that it was food in package form and the quantity of contents

was not plainly and conspicuously marked on the outside of the package since the quantity stated was not correct.

On June 24, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be delivered to charitable institutions.

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

26099. Adulteration of crab meat. U. S. v. 296 Tins and 116 Tins of Crab Meat. Consent decree of forfeiture and destruction. (F. & D. no. 37753. Sample nos. 64228-B, 64231-B.)

This case involved a shipment of crab meat that contained fecal *Bacillus coli*.

On May 19, 1936, the United States attorney for the Southern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 412 tins of crab meat at Savannah, Ga., alleging that the article had been shipped in interstate commerce on or about May 14, 1936, by J. S. Graves, from Bluffton, S. C., and charging adulteration 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 filthy animal substance.

On May 22, 1936, L. P. Maggioni & Co., Savannah, Ga., having appeared and claimed ownership and having consented to the destruction of the product, judgment was entered ordering that it be forfeited and destroyed.

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

26100. Adulteration of vinegar. U. S. v. Herbert D. Hollwedel. Plea of guilty. Fine, \$200. Payment suspended and defendant placed on probation. (F. & D. no. 31498. Sample nos. 8945-A, 21762-A.)

This case involved an interstate shipment of vinegar that contained arsenic in an amount that might have rendered it injurious to health.

On July 23, 1934, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Herbert D. Hollwedel, trading as H. D. Hollwedel, Rochester, N. Y., charging shipment by said defendant in violation of the Food and Drugs Act on or about September 6, 1932, from the State of New York into the State of Pennsylvania of a quantity of vinegar that was adulterated. The article, contained in barrels, was labeled: "W. E. Mathes Vinegar Co. Pure Apple Cider Vinegar. Made From Fresh Apples Reduced To 4% Acidity 33 Gals. Albion, N. Y."

The article was alleged to be adulterated in that it contained an added poisonous and deleterious ingredient, arsenic, in an amount which might have rendered it injurious to health.

On August 21, 1936, the defendant entered a plea of guilty, and the court imposed a fine of \$200, suspended its payment, and placed the defendant on probation for 1 year.

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

26101. Alleged misbranding of salad oil. U. S. v. 52 Gallon Cans and 142 Gallon Cans of Salad Oil. Exceptions sustained and libels dismissed. (F. & D. nos. 34459, 34565. Sample nos. 21215-B, 21261-B.)

These cases involved a product which was sold as salad oil. Examination showed that it consisted of sunflower oil or an oil similar to sunflower oil, with some cottonseed oil present in one lot.

On or about December 6 and December 18, 1934, 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 52 gallon cans of salad oil at Hartford, Conn., and 142 gallon cans of salad oil at New Haven, Conn., alleging that the article had been shipped in interstate commerce in part on or about November 13, 1934, by A. Krasne, from New York, N. Y., and in part on or about November 22, 1934, by the Agash Refining Corporation, from Brooklyn, N. Y., and charging misbranding in violation of the Food and Drugs Act. The charges against the product appear in the opinion.

The Agash Refining Corporation intervened and filed exceptions to the libels. On April 10, 1935, the court handed down the following memorandum decision sustaining the exceptions:

THOMAS, *District Judge:* The Agash Refining Corporation of Brooklyn, New York, is the refiner and packer of the products involved in these proceedings, and by order of Court dated January 8th, 1935, was given leave to intervene.