

The articles were alleged to be adulterated in that sugar and water, in the case of the damson preserves, and sugar, acid, and pectin, in the case of the apricot preserves, had been mixed and packed with the articles so as to reduce or lower their quality or strength; in that mixtures of fruit and sugar containing less fruit and more sugar than preserves should contain, the damson preserves containing water which should have been removed by boiling and the apricot preserves containing acid and pectin, had been substituted for preserves which they purported to be; and in that the articles had been mixed in a manner whereby inferiority was concealed.

The articles were alleged to be misbranded in that they were imitations of and were offered for sale under the distinctive names of other articles. They were alleged to be misbranded further in that the statements on the labels, "Pure Damson Preserves" and "Pure Apricot Preserves", were false and misleading and tended to deceive and mislead the purchaser when applied to products resembling preserves but which contained less fruit than preserves should contain.

On August 11, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the products be turned over to a charitable institution.

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

**26321. Adulteration of canned salmon. U. S. v. 1,011 Cases and 6,039 Cases of Canned Salmon. Consent decree of condemnation and forfeiture. Portion of product released unconditionally; remainder released under bond.** (F. & D. nos. 37554, 37567. Sample nos. 67032-B to 67036-B, incl., 67040-B to 67048-B, incl.)

This case involved canned salmon that was in part decomposed.

On April 6 and April 14, 1936, the United States attorney for the District of Oregon, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 7,050 cases of canned salmon at Portland, Oreg., alleging that the article had been shipped in interstate commerce in various lots between the dates of February 13 and July 19, 1935, by the New England Fish Co. from Pillar Rock, Wash., and charging adulteration in violation of the Food and Drugs Act. A portion of the article was labeled in part: "Pillar Rock Brand Fancy Columbia River Salmon Spring Pack." The remainder was unlabeled.

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

On November 17, 1936, the New England Fish Co., having appeared as claimant and having consented to the entry of a decree, a consolidated judgment of condemnation was entered. The court, having found that a portion of the product was not adulterated, ordered that the said portion be released unconditionally and that the remainder be released under bond conditioned that the good cans be separated from the bad cans and disposed of only in compliance with the law.

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

**26322. Adulteration and misbranding of olive oil. U. S. v. 84, 19, and 14 Cartons, et al., of Olive Oil. Decree of condemnation. Product released under bond to be relabeled.** (F. & D. no. 37584. Sample nos. 65667-B, 65668-B, 65669-B, 66120-B, 66121-B, 66122-B.)

This case involved alleged olive oil that was adulterated with tea-seed oil.

On April 13, 1936, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 117 cartons of alleged olive oil at Boston, Mass., alleging that the article had been shipped in interstate commerce on or about March 21, 1936, by L. Raduazzo, from New York, N. Y., and charging adulteration and misbranding in violation of the Food and Drugs Act.

The article was labeled in part: "Caldarone Brand Imported Pure Olive Oil."

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 labels were false and misleading and tended to deceive and mislead the purchaser when applied to a product containing tea-

seed oil: (Main panels, 1-gallon and half-gallon cans) "Imported Pure Olive Oil", "Olio Puro D'Oliva Importato"; (1-quart cans) "Pure Olive Oil Imported from Italy", "Olio Puro D'Oliva Importato Dall' Italia"; (side panels, all cans) "The olive oil contained in this can is pressed from the very best olive fruit, \* \* \* guaranteed to be absolutely pure under any chemical analysis. The consumer is advised to destroy this can as soon as empty, in order to prevent others from refilling it with adulterated oil. L'olio che contiene questa latta e ottenuto dal migliore frutto di oliva confezionato igienicamente e garantito puro a qualsiasi analisi chimica. Il consumatore e pregato di distruggere la latta appena vuota per evitare che altri ne facciano uso con olio adulterato"; (tops of all cans) "Imported Olive Oil"; (1-gallon and half-gallon cans) design of olive branches bearing olives.

On September 8, 1936, A. J. Capone Co., Inc., having appeared as claimant for the article and having admitted the allegations of the libel, judgment of condemnation was entered and it was ordered that the article be released under bond conditioned that it be relabeled under the supervision of this Department.

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

**26323. Adulteration and misbranding of preserves. U. S. v. 17 Cases of Apple Peach Preserves and 20 Cases of Apple Strawberry Preserves. Decree ordering release of products under bond to be relabeled. (F. & D. no. 37589. Sample nos. 29895-B, 29896-B.)**

This case involved apple peach preserves that contained less fruit and more sugar than standard preserves and that contained added acid and pectin. The apple strawberry preserves also contained water which should have been boiled off in the process of manufacture.

On April 15, 1936, the United States attorney for the Middle District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 37 cases of preserves at Montgomery, Ala., alleging that the articles had been shipped in interstate commerce on or about September 7, 1935, by the Goodwin Preserving Co., from Louisville, Ky., and charging adulteration and misbranding in violation of the Food and Drugs Act. The articles were labeled in part: "Alabama Maid Brand Pure Apple Peach Preserves [or "Pure Apple Strawberry Preserves"] \* \* \* Distributed by Schloss & Kahn Grocery Co., Montgomery, Ala."

The articles were alleged to be adulterated in that sugar, acid, and pectin, in the case of the apple peach preserves, and sugar, acid, pectin, and water, in the case of the apple strawberry preserves, had been mixed and packed with the articles so as to reduce or lower their quality; in that mixtures of fruit, sugar, acid, and pectin, in the case of apple peach preserves, and fruit, sugar, acid, pectin, and water, in the case of apple strawberry preserves, containing less fruit and more sugar than a preserve should contain had been substituted for preserves, which the articles purported to be; and in that they had been mixed in a manner whereby inferiority had been concealed.

The articles were alleged to be misbranded in that the statements on the labels, "Pure Apple Peach Preserves" and "Pure Apple Strawberry Preserves", were false and misleading and tended to deceive and mislead the purchaser when applied to products resembling preserves but which contained less fruit than a preserve should contain; and in that they were imitations of and offered for sale under the distinctive names of other articles.

On July 28, 1936, Schloss & Kahn Grocery Co., Montgomery, Ala., having appeared as claimant, having admitted the material allegations of the libel, and having filed a bond, judgment was entered ordering that the products be released to be relabeled.

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

**26324. Adulteration of canned salmon. U. S. v. 25 Cases of Canned Salmon. Default decree of condemnation and destruction. (F. & D. no. 37611. Sample no. 66850-B.)**

This case involved canned salmon which was in part decomposed.

On April 16, 1936, 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 25 cases of canned salmon at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about September 14, 1935, from Valdez, Alaska, by the First Bank of Valdez, per A. S. Day (packer, A. S. Day, North Pacific Sea Foods), and charging adulteration in violation of the Food and Drugs Act.