

Misbranding was alleged in that the following statements and designs appearing on the package were false and misleading and tended to deceive and mislead the purchaser when applied to a product containing tea-seed oil: Designs of olive leaves and olives; "Olive Oil Pure Extra Sublime * * * This Olive Oil is guaranteed to be absolutely pure and made from the finest selected Olives grown on the Italian Riviera. This Olive Oil is highly recommended for medicinal and table use. Imported Pure Olive Oil * * * Olio d'Oliva Puro Extra Sublime * * * Questo Olio d'oliva e garantito assolutamente puro e fabbricato con le migliori Olive della Riviera Figure E molto raccomandato sia per uso medicinale che per uso oa tavola Olio d'oliva puro importato." Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article, namely, olive oil.

On September 25, 1936, the A. J. Capone Co., Inc., New York, N. Y., claimant, having admitted the material 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 it be relabeled.

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

26662. Adulteration of canned salmon. U. S. v. 8,559 Cases of Canned Salmon. Portion of product released unconditionally. Remainder condemned and released under bond conditioned that decomposed salmon be segregated and destroyed. (F. & D. no. 37604. Sample nos. 65188-B, 66834-B.)

This case involved canned salmon that 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 8,559 cases of canned salmon at Seattle, Wash., alleging that the article had been shipped in interstate commerce in various shipments between the dates of July 27 and August 8, 1935, from Egegik, Alaska, by Libby, McNeill & Libby, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Cans) "Libby's Fancy Red Alaska Salmon."

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

On December 30, 1936, Libby, McNeill & Libby, having appeared as claimant and the case having been submitted to the court, judgment was entered finding that a portion of the product, consisting of 442 cases, was adulterated, and ordering that said portion be condemned. The decree provided that the said 442 cases be released under bond conditioned that all cans containing decomposed salmon be segregated therefrom and destroyed. The remainder of the product was adjudged not to be adulterated and was ordered released unconditionally.

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

26663. Misbranding of canned cherries. U. S. v. 95 Cartons of Canned Cherries. Product ordered released under bond. (F. & D. no. 37605. Sample no. 65089-B.)

This product failed to conform to the standard for canned cherries established by the Secretary of Agriculture because of the presence of excessive pits, and was not labeled to indicate that it was substandard.

On April 16, 1936, the United States attorney for the District of Idaho, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 95 cartons of canned cherries at Lewiston, Idaho, alleging that the article had been shipped in interstate commerce on or about December 26, 1935, by the Ravalli Canning Co., from Stevensville, Mont., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Ravalli * * * Red Pitted Cherries * * * Packed by Ravalli Canning Co. Stevensville, Montana."

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, since there was present more than one cherry pit per 10 ounces of net contents, namely, 4.5 pits per 10 ounces of net contents, and its package or label did not bear a plain and conspicuous statement prescribed by regulation of this Department indicating that it fell below such standard.

On November 2, 1936, the Ravalli Canning Co., having appeared as claimant and having consented to the entry of a decree, judgment was entered ordering

that the product be released under bond upon payment of costs and the execution of a bond conditioned that it should not be disposed of in violation of the law, otherwise that it be forfeited and destroyed.

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

26664. Adulteration and misbranding of preserves and jam. U. S. v. 100 Cases of Assorted Preserves and Jam. Default decree of condemnation and destruction. (F. & D. no. 37700. Sample nos. 52783-B to 52788-B, incl.)

This case involved preserves and jam that contained added glucose. The preserves contained less fruit and more sugar than preserves should contain and, in some instances, added acid and excessive moisture.

On or about May 4, 1936, the United States attorney for the Eastern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 100 cases of assorted preserves and jam at Centralia, Ill., alleging that the articles had been transported in interstate commerce by the Goodale Puffer Grocery Co., in their own trucks from the premises of the Salomo Food Products Co., St. Louis, Mo., on or about January 11, 1936, and charging adulteration and misbranding in violation of the Food and Drugs Act. The articles were labeled: "Lion Brand Pure Blackberry Preserves [or "Strawberry Preserves", "Raspberry Preserves", "Grape Jam", "Peach Preserves", or "Plum Preserves"] * * * Manufactured by Salomo Food Products Co. St. Louis, Mo."

The preserves were alleged to be adulterated in that sugar and glucose in the case of the blackberry and strawberry preserves; sugar, glucose, and water in the case of the raspberry preserves; and sugar, glucose, acid, and water in the case of the peach and plum preserves, had been mixed and packed with the articles so as to reduce and lower their quality; in that said mixtures, containing less fruit and more sugar than preserves should contain, had been substituted for preserves; and in that the articles had been mixed in a manner whereby inferiority was concealed.

The grape jam was alleged to be adulterated in that glucose had been mixed and packed therewith so as to reduce and lower its quality; in that a mixture of fruit, sugar, and glucose had been substituted for jam; and in that glucose had been mixed with the article in a manner whereby inferiority was concealed.

The articles were alleged to be misbranded in that the statements on the labels, "Pure Blackberry Preserves", "Pure Strawberry Preserves", "Pure Raspberry Preserves", "Pure Peach Preserves", "Pure Plum Preserves", and "Pure Grape Jam", were false and misleading and tended to deceive and mislead the purchaser when applied to products resembling preserves and jam, but which, in the case of the preserves, contained less fruit than preserves should contain, the deficiency in fruit being concealed by the addition of sugar and glucose and, in some instances, acid and water; and in the case of the jam, which contained added glucose.

On December 18, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the products be destroyed.

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

26665. Adulteration of canned salmon. U. S. v. 9,521 Cases of Canned Salmon. Portion of product released unconditionally. Remainder condemned and ordered released under bond. (F. & D. no. 37731. Sample nos. 73486-B, 73509-B.)

This case involved a shipment of canned salmon a portion of which was found to be decomposed.

On or about May 12, 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 9,521 cases of canned salmon at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about August 8 and August 21, 1935, by the Alaska-Pacific Salmon Co., from Kake, 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 filthy, decomposed, or putrid animal substance.

On December 30, 1936, the Alaska-Pacific Salmon Co., having appeared as claimant, judgment was entered finding that a part of the product was in compliance with the law and a part thereof was adulterated. The decree ordered that the part of the product which was not found to be adulterated