

about December 30, 1935, and in part on or about February 7, 1936, by the Velmo Co., from New York, N. Y., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Golden West * * * Pure Raspberry [or "Strawberry"] Preserves * * * Golden West Preserve Co. San Francisco & New York."

The articles were alleged to be adulterated in that mixtures of sugar and pectin—certain lots also contained added water and phosphate—had been mixed and packed with them so as to reduce or lower their quality; and in that insufficiently concentrated mixtures of fruit, sugar, and pectin (certain lots of which also contained added water and phosphate)—said mixtures containing less fruit and more sugar than standard preserves should contain—had been substituted for preserves, which the articles purported to be. Adulteration was alleged for the further reason that the articles had been mixed in a manner whereby their inferiority was concealed.

The articles were alleged to be misbranded in that the statements on the labels, "Pure Raspberry Preserves" [or "Pure 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 preserves should contain, the deficiency in fruit being concealed by the addition of pectin and excess sugar, and in certain lots also added water and phosphate. Misbranding was alleged for the further reason that the articles were offered for sale under the distinctive names of other articles.

On December 17, 1936, the United Markets, Inc., Boston, Mass., having appeared as claimant and having admitted the allegations of the libel, judgment of condemnation was entered and it was ordered that the products be released under bond conditioned that they be relabeled to indicate their true nature.

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

26935. Adulteration of canned tomato juice. U. S. v. 250 Cases, more or less, of Tomato Juice. Consent decree of condemnation and destruction. (F. & D. no. 37499. Sample no. 59190-B.)

This product contained excessive mold.

On March 30, 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 250 cases of canned tomato juice at El Reno, Okla., alleging that the article had been shipped in interstate commerce on or about September 16 and October 14, 1935, by the Nelson Packing Co., Inc., from Springdale, Ark., and charging adulteration in violation of the Food and Drugs Act. It was labeled in part: "Nelson's Brand Tomato Juice * * * Produced * * * by Nelson Packing Co., Inc., Springdale, Arkansas."

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

On March 12, 1937, the Nelson Packing 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 destroyed.

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

26936. Adulteration and misbranding of olive oil. U. S. v. Four 1-Gallon Cans and 7 Half-Gallon Cans of Alleged Olive Oil. Default decree of condemnation and destruction. (F. & D. no. 37593. Sample no. 62864-B.)

This article was adulterated with tea-seed oil.

On April 15, 1936, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 4 gallon cans and 7 half-gallon cans of olive oil at Washington, D. C., alleging that it was in possession of the American Meat Market, of Washington, D. C., and was being offered for sale in the District of Columbia, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Elephant Brand Imported Virgin Olive Oil Embro Import Co. * * * New York, N. Y."

It 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 had been substituted in whole or in part for olive oil, which it purported to be.

The article was alleged to be misbranded in that the following statements and designs borne on the label were false and misleading and tended to deceive and mislead the purchaser when applied to a product containing tea-seed oil:

"Imported Virgin Olive Oil", "Puro Olio D' Oliva Vergine [design of olive branch bearing olives]", "The Olive oil contained in this can is pressed from fresh picked selected olives. It is guaranteed to be absolutely pure under chemical analysis * * * L'olio di oliva che questa latta contiene a prodotto da olive accuratamente scelte e garantito di essere assolutamente puro sotto qualunque analisi chimica. Esso e altamente raccomandato tanto per uso da tavola come per uso medicinale", "Imported Olive Oil." It was alleged to be misbranded further in that it was offered for sale under the distinctive name of another article, namely, olive oil.

On August 11, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

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

26937. Adulteration of dried peaches. U. S. v. Libby, McNeill & Libby. Plea of guilty. Fine, \$200. (F. & D. no. 37977. Sample no. 46251-B.)

Samples of these dried peaches were found to be insect-infested, dirty, moldy, and decayed.

On August 18, 1936, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Libby, McNeill & Libby, a corporation having places of business at San Francisco and Oakland, Calif., alleging shipment by said company in violation of the Food and Drugs Act on or about December 31, 1935, from the State of California into the State of Ohio of a quantity of dried peaches that were adulterated. The article was labeled in part: "Portsmouth Extra Choice Cling Peaches Packed for The Gilbert Gro Co Portsmouth Ohio."

It was alleged to be adulterated in that it consisted in whole or in part of a filthy vegetable substance.

On February 18, 1937, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$200.

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

26938. Adulteration of canned salmon. U. S. v. G. P. Halferty & Co. Plea of guilty. Fine, \$10 and costs. (F. & D. no. 38040. Sample nos. 73272-B, 73769-B.)

This salmon was in part decomposed.

On December 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 an information against G. P. Halferty & Co., a corporation, Seattle, Wash., alleging shipment by said company on or about February 18, 1936, from the State of Washington into the State of Idaho of a quantity of canned salmon that was adulterated. It was labeled in part: "Halferty Corporation, Show Boat Brand, Fancy Alaska Pink Salmon."

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

On January 18, 1937, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$10 and costs.

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

26939. Adulteration of dressed poultry. U. S. v. Bruce Bochner (Malvern Cold Storage Co.) Plea of guilty. Fine, \$25 and costs. (F. & D. no. 38058. Sample no. 59217-B.)

Samples of this product were found to be emaciated or otherwise unfit for food.

On November 14, 1936, the United States attorney for the Southern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Bruce Bochner, trading as the Malvern Cold Storage Co., Malvern, Iowa, alleging shipment by said defendant in violation of the Food and Drugs Act, on or about April 7, 1936, from the State of Iowa into the State of Nebraska of a quantity of dressed poultry that was adulterated.

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

On January 27, 1937, the defendant entered a plea of guilty and the court imposed a fine of \$25 and costs.

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