

commerce on or about December 15, 1937, by Chase Candy Co. from St. Joseph, Mo.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Chase Candy Co., St. Joseph, Mo."

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

On July 19, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29228. Adulteration and misbranding of whitefish caviar. U. S. v. 23 Jars, 22 Jars, and 32 Jars of White Fish Caviar. Default decree of destruction. (F. & D. No. 42448. Sample Nos. 9812-D, 9813-D, 9814-D.)

This product contained parasitic worms and fish scales; and that contained in the 16-ounce jars was short weight.

On May 24, 1938, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 77 various sized jars of whitefish caviar at Atlantic City, N. J.; alleging that the article had been shipped in interstate commerce in various shipments on or about July 19, 1934, January 30, and June 11, 1935, by Heller Bros. Importing Co. from New York, N. Y.; and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "White Fish Caviar Vita Brand, Net Weight 16 Oz. [or "4 Oz." or "1 Oz.]." A portion was labeled further: "Packed by Vita Fish Preserving Works, New York."

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

One lot was alleged to be misbranded in that the statement "Net Weight 16 Oz." was false and misleading and tended to deceive and mislead the purchaser when applied to an article that was short weight; and in that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package since the quantity stated was not correct.

On July 1, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29229. Adulteration and misbranding of ice cream cones. U. S. v. 333 Cans of Ice Cream Cones. Default decree of condemnation and destruction. (F. & D. No. 42380. Sample No. 13779-D.)

This product contained saccharin in an amount which might have rendered it injurious to health.

On May 13, 1938, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 333 cans of ice cream cones at New London, Conn.; alleging that the article had been shipped in interstate commerce on or about April 9, 1938, by U. S. Baking Co. from Brooklyn, N. Y.; and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Mfd. by Original Sweet Baking Co. Brooklyn, N. Y."

It was alleged to be adulterated in that a substance, saccharin, had been mixed and packed therewith so as to reduce or lower or injuriously affect its quality or strength and in that saccharin and sugar in the place of sugar had been substituted in whole or in part for the article; and in that it contained an added deleterious ingredient, saccharin, which might have rendered it injurious to health.

It was alleged to be misbranded in that the statements on the label, "For Purity and Quality demand the New Sweet Cones We Guarantee These Cones to be Made of Finest Patent Flour and to Contain a High Percentage of Sugar," were false and misleading and tended to deceive and mislead the purchaser when applied to an article which contained saccharin.

On July 21, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29230. Misbranding of canned corn. U. S. v. 42 Cases of Corn. Default decree of destruction. (F. & D. No. 42895. Sample No. 22326-D.)

This product was field corn but was not labeled to indicate that fact.

On June 8, 1938, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district

court a libel praying seizure and condemnation of 42 cases of canned corn at Chicago, Ill.; alleging that the article had been shipped in interstate commerce on or about October 12, 1937, by Columbus Foods Corporation from Evansville, Wis.; and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Garden Brand Golden Wisconsin Corn * * * Packed by Garden Canning Company Evansville, Wis."

The article was alleged to be misbranded in that the statement "Corn," unqualified, was false and misleading and tended to deceive and mislead the purchaser when applied to field corn and not sweet corn, which it purported to be.

On July 11, 1938, no claimant having appeared, the court ordered the product destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29231. Misbranding of olive oil. U. S. v. 9 Cans and 19 Cans of Olive Oil. Default decrees of condemnation. Product delivered to charitable institution. (F. & D. Nos. 40965, 40966. Sample Nos. 45223-C, 45224-C.)

This product was short of the declared volume.

On December 6, 1937, the United States attorney for the District of Nevada, acting upon a report by the Secretary of Agriculture, filed in the district court 2 libels praying seizure and condemnation of 28 cans of olive oil at Reno, Nev.; alleging that the article had been shipped in interstate commerce on or about September 22, 1937, from Roseville, Calif., by Angelo Orsi Co.; and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Orsi [or "Angelo"] Brand Pure Olive Oil Manufactured and Packed by Angelo Orsi Company * * * Roseville, Calif."

It was alleged to be misbranded in that the statement "Net contents One Gallon" was false and misleading and tended to deceive and mislead the purchaser when applied to an article that was short weight; and in that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the quantity stated was not correct.

On July 13, 1938, no claimant having appeared, judgments of condemnation were entered and the product was ordered delivered to a charitable institution.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29232. Adulteration of tomato catsup. U. S. v. Farm King Packing Corporation. Plea of guilty. Fine, \$75. (F. & D. No. 42511. Sample Nos. 62070-C, 9509-D.)

This product contained excessive mold.

On June 13, 1938, 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 the Farm King Packing Corporation, Fredonia, N. Y., alleging shipment by said defendant in violation of the Food and Drugs Act on or about July 13, September 23, and November 18, 1937, from the State of New York into the State of Pennsylvania of quantities of tomato catsup that was adulterated. The article was labeled in part: "Sumore Brand Tomato Catsup Packed by Farm King Packing Co., Inc." or "Pomco Tomato Catsup Distributed by Potter McCune Co., McKeesport, Pa. Monessen, Pa. Pittsburgh, Pa."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy and decomposed vegetable substance, moldy tomato catsup.

On July 12, 1938, a plea of guilty having been entered in behalf of the defendant, the court imposed a fine of \$75.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29233. Misbranding of canned peas. U. S. v. Phillips Sales Co. Plea of guilty. Fine, \$25 and costs. (F. & D. No. 39760. Sample No. 13695-C.)

This product fell below the standard established by this Department, because the peas were not immature, and it was not labeled to indicate that it was substandard.

On February 2, 1938, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Phillips Sales Co., a corporation, Cambridge, Md., alleging shipment by said defendant in violation of the Food and Drugs Act on or about November 28, 1936, from the State of Maryland into the State of Louisiana of a quantity of canned peas that were misbranded. The article was labeled in part: "Glyndon Brand * * * Early June Peas * * * Phillips Sales Co., Inc., Cambridge, Md. * * * Distributors."