

Mr. STANZIALE. "May I just call this fact to your Honor's attention, for the purpose of the record?"

THE COURT. "Yes."

Mr. STANZIALE. "It has no marking under the Italian words of 'Olio per Tavola o Cucina.'"

THE COURT. "I find the ultimate facts in favor of the respondent in that the salad oil in question is not represented by the label to be an olive oil, and nothing in the picture which is shown on each of the exhibits can possibly lead to the conclusion that olive oil is contained in the can."

"In arriving at this conclusion I am following the opinion of my colleague, Judge Forman, in 16 Federal Supplement 387 and the opinion of Judge Dickinson sitting in the Eastern District of Pennsylvania in the case of the United States of America against 20 cases of salad oil."

CONCLUSIONS OF LAW

"The labels set forth and complained of in the libel are not in violation of the provisions of the Food and Drugs Act.

"The libel will be dismissed."

On December 1, 1938, decrees were entered ordering the libels dismissed and the goods delivered to the claimants.

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

29881. Adulteration of crab apples. U. S. v. 18 Bushels of Crab Apples. Default decree of condemnation and destruction. (F. & D. No. 44058. Sample No. 33357-D.)

This product was contaminated with arsenic and lead.

On September 19, 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 18 bushels of crab apples at Chicago, Ill.; alleging that the article had been shipped in interstate commerce on or about September 12, 1938, by Heidema Bros. from Holland, Mich.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "From Floyd M. Loomis Fennville, Mich."

It was alleged to be adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it harmful to health.

On November 29, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

29882. Adulteration of walnut meats. U. S. v. 16 Cases and 20 Cases of Walnut Meats. Default decree of condemnation and destruction. (F. & D. Nos. 44265, 44266. Sample Nos. 30511-D, 30512-D.)

This product, which had been shipped in interstate commerce and remained unsold and in the original packages at the time of examination, was found to be wormy.

On November 5, 1938, 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 36 cases of walnut meats at Pocatello, Idaho; alleging that the article had been shipped on or about March 25, 1938, by Glaser Nut Shelling Co. from Los Angeles, Calif.; 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 vegetable substance.

On December 13, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

29883. Adulteration of walnut meats. U. S. v. 15 Boxes of Walnut Meats. Default decree of condemnation and destruction. (F. & D. No. 44287. Sample No. 43223-D.)

This product, which had been shipped in interstate commerce and remained unsold and in the original packages at the time of examination, was found to be worm-infested.

On November 7, 1938, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the district court