

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

On May 31, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

30570. Adulteration of perch filets. U. S. v. 15 Boxes of Perch Filets. Default decree of condemnation and destruction. (F. & D. No. 45299. Sample No. 66137-D.)

This product was infested with parasitic worms.

On May 10, 1939, the United States attorney for the Northern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 15 boxes of perch filets at Atlanta, Ga.; alleging that the article had been shipped in interstate commerce on or about April 20, 1939, from Boston, Mass., by Genoa Fisheries, Inc.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Perch filets Capitol."

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

On June 3, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

30571. Adulteration of tullibeas. U. S. v. Five Boxes of Tullibeas. Consent decree of condemnation. Product ordered converted into fertilizer. (F. & D. No. 45235. Sample No. 54270-D.)

This product was infested with parasitic worms.

On April 11, 1939, 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 five boxes of tullibeas at Chicago, Ill.; alleging that the article had been shipped in interstate commerce on or about April 3, 1939, by F. Ringling from Warroad, Minn.; 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; and in that it was a portion of an animal unfit for food.

On April 21, 1939, the claimant having consented to entry of a decree, judgment of condemnation was entered and it was ordered that the product be converted into fertilizer.

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

30572. Adulteration of maple sirup. U. S. v. 50 Drums of Maple Sirup. Consent decree of condemnation. Product ordered released under bond to be deleaded. (F. & D. No. 45333. Sample No. 60008-D.)

This product contained lead.

On May 15, 1939, the United States attorney for the District of Vermont, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 50 drums of maple sirup at St. Albans, Vt.; alleging that the article had been shipped in interstate commerce on or about May 3, 1939, from Harrisville, N. Y., by American Maple Products Corporation; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained an added poisonous or deleterious ingredient, lead, which might have rendered it injurious to health.

On May 24, 1939, American Maple Products Corporation having appeared as claimant and having admitted the allegations of the libel, judgment of condemnation was entered, and the product was ordered released under bond conditioned that it be deleaded and all injurious ingredients removed under the supervision of this Department.

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

30573. Adulteration and misbranding of olive oil. U. S. v. Caruso, Inc., and Dominick Antonelli. Pleas of guilty. Corporation fine of \$50 suspended; \$25 of individual \$50 fine suspended. (F. & D. No. 40818. Sample No. 42318-C.)

This product was represented to be pure imported olive oil, but consisted chiefly of corn or other edible oils, with only a small amount of olive oil present.

On May 23, 1938, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the police court

an information against Caruso, Inc., trading at Washington, D. C., and Dominick Antonelli, secretary-treasurer of said corporation, alleging sale in the District of Columbia by said defendants in violation of the Food and Drugs Act on or about June 18, 1937, of quantities of so-called olive oil which was adulterated and misbranded.

The article was alleged to be adulterated in that an edible oil other than olive oil had been added to and mixed and packed with the article so as to reduce, lower, and injuriously affect its quality and strength; and in that such other edible oil had been substituted in part for olive oil, which the article purported to be.

Misbranding was alleged in that the article was offered for sale under the distinctive name of, and was guaranteed to be, pure olive oil; whereas it was not pure olive oil but consisted chiefly of other edible oil. Misbranding was alleged further in that the following statements and designs appearing on the label were false and misleading and were borne on the label so as to deceive and mislead the purchaser since they represented that the article was pure olive oil produced in, and imported from, a foreign country, Italy; whereas it was not as represented but consisted in part of other edible oil: "Olio di Oliva Vergine [design of olive branch and olives] Lucca * * * Prodotto Italiano Olio d'Oliva"; "This Olive Oil is Guaranteed Pure Olio d'Oliva"; "Questo Olio E Garantito di Puro Oliva Olio d'Oliva [design of olive tree]"; "Imported from Italy."

On October 7, 1938, pleas of guilty having been entered on behalf of both defendants, the court imposed fines of \$50 against the corporation and \$50 against Antonelli. All fines were suspended and personal recognizance taken, except as to \$25 of the fine against Antonelli.

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

30574. Misbranding of canned mackerel. U. S. v. Coast Fishing Co. Plea of guilty. Fine, \$50. (F. & D. No. 42670. Sample Nos. 19189-D, 20303-D, 20309-D, 20310-D, 20324-D, 20325-D.)

This product was short of the declared weight.

On March 21, 1939, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Coast Fishing Co., a corporation, Wilmington, Calif., alleging shipment by said corporation in violation of the Food and Drugs Act as amended, within the period from on or about August 29, 1938, to on or about September 16, 1938, from the State of California into the States of Washington, Florida, and Pennsylvania, of quantities of canned mackerel which was misbranded. The article was labeled in part: (Can) "King Solomon Brand Fancy Mackerel Contents 1 lb."

It was alleged to be misbranded in that the statement "Contents 1 lb." borne on the cans, was false and misleading and was borne on the said cans so as to deceive and mislead the purchaser, since the cans contained less than the amount stated. Misbranding was alleged further in that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On April 10, 1939, a plea of guilty was entered on behalf of the defendant and on April 12, 1939, the court imposed a fine of \$50.

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

30575. Adulteration and misbranding of butter. U. S. v. 54 Cubes of Butter (and 3 similar seizure actions). Decrees of condemnation. Product ordered released under bond. (F. & D. Nos. 45281, 45433, 45460, 45501. Sample Nos. 43309-D, 43788-D, 56060-D, 56145-D, 56148-D, 56154-D.)

This product contained less than 80 percent of milk fat.

On April 25, May 16 and 25, and June 6, 1939, the United States attorney for the Northern District of California, acting upon reports by the Secretary of Agriculture, filed in the district court four libels praying seizure and condemnation of 281 cubes of butter at San Francisco, Calif.; alleging that the article had been shipped in interstate commerce on or about April 11 and 24, and May 16 and 27, 1939, by Midwest Dairies, Inc., from Portales, N. Mex.; and charging adulteration and misbranding in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat.