

On November 13, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

273. Adulteration of cauliflower. U. S. v. 14 Crates of Cauliflower. Default decree of condemnation and destruction. (F. D. C. No. 865. Sample No. 70232-D.)

On October 27, 1939, the United States attorney for the Eastern District of Pennsylvania filed a libel against 14 crates of cauliflower at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about October 26, 1939, by Frank Korleski from Jamesburg, N. J.; and charging that it was adulterated in that it bore an added poisonous or deleterious substance, arsenic, which might have rendered it injurious to health.

On November 18, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

OLIVES

274. Adulteration and misbranding of ripe olives. U. S. v. 11 Barrels and 37 Barrels of Ripe Olives. Consent decree of condemnation. Product ordered released under bond. (F. D. C. Nos. 363, 364. Sample Nos. 59493-D, 59494-D.)

These olives were found to be coated with mineral oil.

On August 8, 1939, the United States attorney for the Southern District of New York filed a libel against 48 barrels of ripe olives at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about April 6, 1939, by Phoenix Bros. from Fair Oaks, Calif.; and charging that it was adulterated and misbranded. It was labeled in part: "Olivedale Oil Cured Ripe Olives."

Adulteration was alleged in that a substance, mineral oil, had been substituted in part for the article.

It was alleged to be misbranded in that the statement on the label, "Oil Cured Ripe Olives," was false and misleading when applied to a food product on which mineral oil, a nonnutritive substance, had been used.

On November 8, 1939, claimant Edward C. Phoenix, trading as Phoenix Bros., having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be reconditioned so as to result in the complete elimination of the mineral oil. It was ordered further that if the olives were recoiled with olive oil, the presence of added olive oil should be declared on the label.

275. Adulteration of green olives. U. S. v. 8 Boxes and 16 Boxes of Green Olives. Default decrees of condemnation and destruction. (F. D. C. Nos. 1036, 1037. Sample Nos. 74117-D, 74119-D.)

This product was in interstate commerce when examined, and at that time it was found to be in whole or in part decomposed.

On November 22, 1939, the United States attorney for the District of Massachusetts filed libels against 24 boxes of green olives at Boston, Mass., alleging that the article had been shipped in interstate commerce on or about November 1, 1939, by Yaden, Keller & Young from New York, N. Y.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: "Mt. Shasta * * * James Mills Orchards Corp. Hamilton City * * * California."

On December 18, 1939, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

CANNED FRUITS AND VEGETABLES

276. Misbranding of canned oranges. U. S. v. 1,488 Cans of Oranges. Default decree of condemnation. Product ordered delivered to a charitable institution. (F. D. C. No. 634. Sample No. 75228-D.)

This product was short weight.

On or about September 22, 1939, the United States attorney for the Southern District of Ohio filed a libel against 1,488 cans of oranges at Cincinnati, Ohio (consigned on or about August 26, 1939), alleging that the article had been transported in interstate commerce by the Outlet Sales Co. from Chicago, Ill.; and charging that it was misbranded. The article was labeled in part: "Eatmore Mandarin Oranges Contents 11 Oz. * * * Distributed by Outlet Sales Co., Chicago, Ill."

It was alleged to be misbranded in that the statement on the labeling, "Contents 11 Oz.," was false and misleading since it was incorrect; and in that it

was in package form and its label did not bear an accurate statement of the quantity of contents in the cans.

On December 1, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution with the provision that the labeling be defaced.

277. Adulteration of canned peas. U. S. v. 194 Cartons and 280 Cartons of Canned Peas. Default decrees of condemnation and destruction. (F. D. C. Nos. 1100, 1109. Sample Nos. 57891-D, 57892-D.)

Examination of this product showed that it was weevil-infested.

On November 27 and 29, 1939, the United States attorney for the Southern District of California filed libels against 194 cartons of canned peas at Vernon, Calif., and 280 cartons of canned peas at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about August 1, 1939, from Pleasant Grove, Utah, and on or about September 25, 1939, from Provo, Utah, by Pleasant Grove Canning Co.; and charging that it was adulterated. A portion of the article was labeled in part: "Specify Brand Sweet Utah Peas * * * Packed for M. A. Newmark & Company Distributors Los Angeles Calif." The remainder was labeled in part: "Pleasant Grove Brand * * * Blended Sweet Peas. * * * Packed by Pleasant Grove Canning Co."

The article was alleged to be adulterated in that it contained a filthy, putrid, or decomposed substance.

On December 19, 1939, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

278. Adulteration of canned peas. U. S. v. 149 Cases of Peas. Default decree of condemnation. Portion of product ordered destroyed; remainder ordered sold. (F. D. C. No. 445. Sample No. 41372-D.)

Samples of this product were found to contain weevils.

On August 18, 1939, the United States attorney for the District of Idaho filed a libel against 149 cases of canned peas at Idaho Falls, Idaho, alleging that the article had been shipped in interstate commerce on or about July 21, 1939, by Pacific Fruit & Produce Co. from Ogden, Utah; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance. It was labeled in part: "Nation's Garden Brand Sweet Peas * * * Packed for Fine Foods, Inc., Seattle—Minneapolis."

On October 9, 1939, no claimant having appeared, judgment of condemnation was entered. It having been ascertained that portions of the product identifiable by certain codes, were free from weevil infestation, such portions were ordered sold and the remainder was ordered destroyed.

CANNED TOMATOES AND TOMATO PRODUCTS

279. Adulteration of canned tomatoes. U. S. v. 2,381 Cases of Tomatoes. Consent decree of condemnation. Product released under bond. (F. D. C. No. 902. Sample No. 57997-D.)

This product was in part decomposed.

On November 8, 1939, the United States attorney for the Southern District of California filed in the district court a libel against 2,381 cases of tomatoes at San Diego, Calif., alleging that the article had been shipped in interstate commerce on or about October 23, 1939, by R. D. Pringle & Co. from Ogden, Utah; and charging that it was adulterated in that it contained a filthy, putrid, or decomposed substance. A portion was labeled in part: (Cans) "Craigs Perfection Brand Tomatoes * * * H. D. Olson & Sons Ogden Utah Packers and Distributors." The remainder was labeled in part: (Cans) "Nancy Jane Brand Tomatoes * * * Frank A. Jugler Ogden, Utah, Packer and Distributor."

On November 16, 1939, Associated Canneries, Inc., Ogden, Utah, claimant, having admitted the allegations of the libel, judgment of condemnation was entered, and the product was ordered released under bond conditioned that it should not be disposed of in violation of the law.

280. Adulteration and misbranding of tomato catsup. U. S. v. 49 Cases of Tomato Catsup. Default decree of condemnation and destruction. (F. D. C. No. 904. Sample No. 74634-D.)

This product contained excessive mold and also was short of the declared weight.

On November 9, 1939, the United States attorney for the Western District of Michigan filed a libel against 49 cases of tomato catsup at Ironwood, Mich.,