

**21317. Adulteration of dried figs. U. S. v. Andrew Harvey Pepall (Fairview Fruit Packing Co.). Plea of guilty. Fine, \$200. (F. & D. no. 29487. I.S. nos. 32603, 43106.)**

This case was based on the interstate shipment of quantities of dried figs that were in part insect-infested, moldy, and sour.

On July 10, 1933, 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 Andrew Harvey Pepall, trading at the time of the shipments herein described as the Fairview Fruit Packing Co., Los Angeles, Calif., alleging shipment by said defendant in violation of the Food and Drugs Act, on or about November 20, 1931, from the State of California into the State of New Mexico, and on or about December 19, 1931, from the State of California into the State of Pennsylvania, of quantities of dried figs that were adulterated. The article was labeled in part: "Packed by Fairview Fruit Packing Co. Los Angeles."

It was alleged in the information that the article was adulterated in that it consisted in whole and in part of a filthy and decomposed and putrid vegetable substance.

On July 28, 1933, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$200.

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

**21318. Adulteration and misbranding of oil. U. S. v. Uddo-Taormina Corporation. Plea of guilty. Sentence suspended. (F. & D. no. 29499. Sample nos. 10246-A, 10302-A.)**

This case was based on interstate shipments of oil which was labeled to convey the impression that it was olive oil of foreign origin, whereas it consisted principally of cottonseed oil of domestic manufacture, with a small amount of olive oil added. Sample cans taken from the shipments were also found to contain less than the declared volume, 1 gallon.

On May 26, 1933, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Uddo-Taormina Corporation, trading at Brooklyn, N.Y., alleging shipment by said company in violation of the Food and Drugs Act as amended, on or about September 1 and October 12, 1931, from the State of New York into the State of New Jersey, of quantities of oil which was adulterated and misbranded. The article was labeled in part: "Contents One Gallon Olive Oil Compounded with Cotton Seed Oil Italy Brand." The label also bore a design of Italian coat of arms and other Italian representations.

It was alleged in the information that the article was adulterated in that a substance, cottonseed oil, had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, and had been substituted practically wholly for olive oil, which the article purported to be.

Misbranding was alleged for the reason that the statements, "Olive Oil", and "Italy Brand", together with certain Italian designs, and the statement "Contents One Gallon", borne on the can label, were false and misleading and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since the said statements and designs represented that the article was olive oil made in Italy, and that the cans contained 1 gallon, whereas it was not olive oil produced in Italy, but was composed practically wholly of cottonseed oil and was of domestic manufacture, and each of a number of the cans contained less than 1 gallon. Misbranding was alleged for the further reason that the article was an imitation of olive oil and was offered for sale under the distinctive name of another article, namely, olive oil. Misbranding was alleged for the further reason 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, since the statement made was incorrect.

On July 12, 1933, a plea of guilty to the information was entered on behalf of the defendant company, and the court ordered that sentence be suspended.

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

**21319. Misbranding of butter. U. S. v. Frye & Co. Plea of guilty. Fine, \$50. (F. & D. no. 29490. Sample no. 1626-A.)**

This case was based on an interstate shipment of butter, samples of which were found to contain less than the declared weight, 1 pound. The requirement of the law that the packages bear on the label a statement of the quantity