

"Italian Produce Sublime Olive Oil Imported by Acomo Fo Lucca", "Imported from Italy", and, in English and Italian, "The Olive Oil contained in this can is pressed from fresh picked high grown fruit, packed by the grower under the best sanitary conditions, and guaranteed to be absolutely pure under any chemical analysis. The producer begs to recommend to the consumer to destroy this can as soon as empty in order to prevent unscrupulous dealers from refilling it with adulterated Oil or Oil of an inferior quality. The producer warns all such dealers that he will proceed against them to the full extent of the law", together with designs of olive branches and design of a shield showing design of a crown, etc., with respect to one lot of the product, and the statements, "Italian Virgin Olive Oil Imported Superfine \* \* \* Lucca \* \* \* Finest Quality. This Imported Olive Oil is Guaranteed To Be Absolutely Pure Under Chemical Analysis", and similar statements in Italian, and the statement "Imported From Italy", together with designs of olive-bearing branches, with respect to the remaining lot, appearing on the can labels, were false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, in that they represented that the article consisted wholly of imported Italian olive oil, and that the cans each contained 1 gallon thereof; whereas it was a domestic product consisting principally of cottonseed oil artificially flavored and colored in imitation of olive oil, and practically all of the said cans contained less than 1 gallon. Misbranding was alleged for the further reason that the article was an imitation of another article, and for the further reason that it 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 cans contained less than represented.

On April 30, 1935, the defendant entered a plea of guilty and the court imposed a fine of \$25.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24568. Adulteration and misbranding of strawberry pennants. U. S. v. Osfer Specialty Co., Inc. Plea of nolo contendere. Fine, \$10. (F. & D. no. 33885. Sample no. 68385-A.)**

This case involved a shipment of a product represented to be a strawberry-flavored confection, but which in fact consisted of an artificially colored and artificially flavored confection containing little, if any, strawberry juice.

On February 28, 1935, 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 Osfer Specialty Co., Inc., Brooklyn, N. Y., alleging shipment by said company in violation of the Food and Drugs Act, on or about April 2, 1934, from the State of New York into the State of Massachusetts, of a quantity of a confection known as strawberry pennants, which was adulterated and misbranded. The article was labeled: "Strawberry Pennants."

The article was alleged to be adulterated in that a product consisting of a chocolate-covered marshmallow with an acidified, artificially colored, jelly-like center, and containing no strawberry, had been substituted for a confection containing strawberry, which the article purported to be. Adulteration was alleged for the further reason that the article was colored in a manner whereby its inferiority was concealed.

Misbranding was alleged for the reason that the statement, "Strawberry," borne on the box label, was false and misleading, and for the further reason that it was labeled so as to deceive and mislead the purchaser, in that the said statement represented that the article contained strawberry; whereas it did not contain strawberry, but contained in lieu thereof an acidified jelly-like center artificially colored.

On April 4, 1935, a plea of nolo contendere was entered on behalf of the defendant company and the court imposed a fine of \$10.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24569. Misbranding of butter. U. S. v. Southern Maid Dairy Products Corporation. Plea of guilty. Fine, \$10. (F. & D. no. 33887. Sample no. 76516-A.)**

Sample cartons of butter taken from the shipment involved in this case were found to contain less than 1 pound, the weight declared on the label.

On January 16, 1935, the United States attorney for the Western District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the