

"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

district court an information against the Southern Maid Dairy Products Corporation, Bristol, Va., alleging shipment by said company in violation of the Food and Drugs Act as amended, on or about June 4, 1934, from the State of Virginia into the State of Tennessee of a quantity of butter which was misbranded. The article was labeled in part: "Southern Maid Fresh Creamery Butter Southern Maid Dairy Products Corp. * * * Bristol, Va. * * * One Pound Net."

The article was alleged to be misbranded in that the statement, "One Pound Net", borne on the carton, was false and misleading, and for the further reason that it was labeled so as to deceive and mislead the purchaser, since the cartons contained less than 1 pound of the article. 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 cartons contained less than represented.

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

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

24570. Misbranding of salad oil. U. S. v. Gerald-Dorman, Inc. Plea of guilty. Fine, \$200. (F. & D. no. 33903. Sample nos. 67413-A, 67422-A, 67423-A.)

This case was based on shipments of a product consisting principally of cottonseed oil that was labeled to create the impression that it was pure olive oil. Sample cans taken from both shipments of the product were found to contain less than the declared volume.

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 Gerald-Dorman, Inc., Brooklyn, N. Y., alleging shipment by said company in violation of the Food and Drugs Act as amended, on or about January 16 and March 6, 1934, from the State of New York into the State of New Jersey of quantities of salad oil which was misbranded. The article was labeled in part: "Oil Red Star * * * Olio Finissimo Per Insalata * * * Packed by Gerald-Dorman, Inc. Contents One Gallon Net [or "Contents Half Gallon Net"]." The gallon cans bore the statement: "Vegetable Oil 85% Colored and Flavored with Pure Olive Oil." The half-gallon size bore in lieu of the said statement the statement "Salad Oil Flavored Slightly with Pure Olive Oil."

The article was alleged to be misbranded in that the statements, "Olio Finissimo Per Insalata * * * Pure Olive Oil", borne on the label in large conspicuous type, and the statements, "Contents One Gallon Net" and "Contents Half Gallon Net", also borne on the labels, were false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since they represented that the article consisted solely of pure olive oil, and that the cans contained 1 gallon net or one half gallon net thereof; whereas it did not consist solely of pure olive oil, but consisted principally of cottonseed oil, and each of a large number of the cans examined contained less than declared. Misbranding was alleged for the further reason that the article 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 April 3, 1935, the defendant entered a plea of guilty and the court imposed a fine of \$200.

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

24571. Misbranding of cottonseed meal. U. S. v. Gainesville Oil Mill. Plea of guilty. Fine, \$5 and costs. (F. & D. no. 33908. Sample no. 63714-A.)

This case was based on an interstate shipment of cottonseed meal that contained less protein than declared on the label.

On January 26, 1935, the United States attorney for the Eastern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Gainesville Oil Mill, a corporation, Gainesville, Tex., alleging shipment by said company in violation of the Food and Drugs Act, on or about February 12, 1934, from the State of Texas into the State of Kansas of a quantity of cottonseed meal which was misbranded. The article was labeled in part: "'Golden Rod' 43% Protein Cottonseed Cake or Meal Prime Quality Manufactured by or for Planters' Cotton Oil Company,