

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,

of Dallas \* \* \* Guaranteed Analysis Crude Protein, not less than 43.00 Per cent."

The article was alleged to be misbranded in that the statements, "43% Protein" and "Guaranteed Analysis Crude Protein, not less than 43.00 Per cent", borne on the label, were false and misleading, and for the further reason that it was labeled so as to deceive and mislead the purchaser, since it contained less than 43 percent of protein.

On April 8, 1935, a plea of guilty was entered on behalf of the defendant company and the court imposed a fine of \$5 and costs.

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

**24572. Misbranding of cottonseed meal. U. S. v. Cairo Meal & Cake Co. Plea of guilty. Fine, \$150 and costs. (F. & D. no. 33928. Sample no. 19181-A.)**

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

On February 19, 1935, the United States attorney for the Eastern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Cairo Meal & Cake Co., a corporation, Cairo, Ill., alleging shipment by said company in violation of the Food and Drugs Act, on or about October 25, 1933, from the State of Illinois, into the State of Indiana, of a quantity of cottonseed meal which was misbranded. The article was labeled in part: (Tag) "Bull Brand 43% Protein Cottonseed Meal Prime Quality Manufactured by Humphreys-Godwin Company Memphis, Tenn. Guaranteed Analysis Crude Protein, not less than 43.0%."

The article was alleged to be misbranded in that the statements, "43% Protein" and "Guaranteed Analysis Crude Protein, not less than 43.0%", borne on the tags, were false and misleading, and for the further reason that it was labeled so as to deceive and mislead the purchaser, since it contained less than 43 percent of protein.

On April 8, 1935, a plea of guilty was entered on behalf of the defendant company and the court imposed a fine of \$150 and costs.

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

**24573. Adulteration and misbranding of butter. U. S. v. Washington Creamery Co. Plea of guilty. Fine, \$300 and costs on first count and \$300 on each of seven other counts. Fines on all counts but first suspended for 5 years. (F. & D. no. 33930. Sample nos. 55095-A, 73376-A, 73393-A.)**

This case was based on shipments of butter that contained less than 80 percent by weight of milk fat, and portions of which were also short weight.

On March 15, 1935, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Washington Creamery Co., Seattle, Wash., alleging shipment and delivery for shipment by said company in violation of the Food and Drugs Act as amended, on or about June 9, June 12, and June 15, 1934, from Seattle, Wash., to Alaska of quantities of butter which was adulterated and misbranded. The article was labeled in part: "Premier Brand [or "Blue Ribbon Brand"] Butter One Pound Distributed by Washington Creamery Co. Seattle, Washington."

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent by weight of milk fat, as required by the act of Congress of March 4, 1923, which the article purported to be.

Misbranding was alleged for the reason that the statement "Butter", with respect to all lots, and the statement "One Pound", with respect to portions of the article, were false and misleading, and for the further reason that it was labeled so as to deceive and mislead the purchaser, since it was not butter in that it contained less than 80 percent by weight of milk fat, and the packages in certain lots contained less than 1 pound thereof. Misbranding of certain lots 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 15, 1935, a plea of guilty was entered on behalf of the defendant company; and the court imposed a fine of \$300 and costs on the first count of the information, and a fine of \$300 on each of the remaining counts. Sentence was suspended on all counts, but count one, for 5 years.

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