

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 must 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", borne on the label, was false and misleading, and for the further reason that it was labeled so as to deceive and mislead the purchaser, since the article was not butter as defined by law.

On December 16, 1935, a plea of guilty was entered on behalf of the defendant company and the court imposed a fine of \$100.

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

25249. Misbranding of olive oil. U. S. v. 13 Cases and 46 Cases of Olive Oil. Decree of condemnation. Product released under bond. (F. & D. no. 35766. Sample nos. 15542-B, 15543-B.)

Samples of olive oil taken from this shipment were found to contain less than the labeled volume. The declaration of the quantity of the contents borne on the labels was ambiguous.

On July 15, 1935, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 59 cases of olive oil at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about June 11, 1935, by the Barcelona Sales Co., from New York, N. Y., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Barcelona Pure Virgin Olive Oil * * * The Barcelona Company * * * 3 oz. [or 1.6 oz.]"

The article was alleged to be misbranded in that the statements on the labels, "3 oz." and "1.6 oz. guaranty * * * Full Measure Furnished to Dealers", were false and misleading and tended to deceive and mislead the purchaser. 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 statements were incorrect and were ambiguous, in that they did not indicate whether they were weight or measure.

On September 28, 1935, the Barcelona Sales Co., Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be brought into compliance with the law under the supervision of this Department.

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

25250. Adulteration of butter. U. S. v. 18 Tubs of Butter. Default decree of condemnation and destruction. (F. & D. no. 36386. Sample no. 30570-B.)

This case involved butter that contained excessive mold.

On August 30, 1935, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 18 tubs of butter at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about August 26, 1935, by the Culpeper Creamery, from Culpeper, Va., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "C. L. Poole & Co., New York, N. Y."

The article was alleged to be adulterated in that it consisted wholly or in part of a filthy, decomposed, or putrid animal substance.

On September 21, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

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