

On September 9, 1935, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Cosmos Food, Inc., Lynn, Mass., alleging shipment by said company in violation of the Food and Drugs Act, on or about August 7, 1934, from the State of Massachusetts into the State of Connecticut, of a quantity of salad oil which was adulterated and misbranded. The article was labeled in part: "Superfine Olivol Pure Edible Oil * * * Joseph Petro Marca Registrata Brand * * * Cosmos Food, Inc. Importers, Lynn, Mass."

The article was alleged to be adulterated in that peanut oil had been substituted in large part for olive oil which the article purported to be.

Misbranding was alleged for the reason that the statements, "Superfine Olivol", "Olio Puro Sopraffino", "Extra Quality Pure Olivol", and "This superfine product is guaranteed absolutely pure and of the finest quality. Highly recommended for all general purposes for which olive oil is used", together with the designs and devices of foreign coins and olive branches, 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 it was composed wholly of olive oil, and that it was a foreign product, namely, olive oil produced in Italy; whereas it was a mixture composed in large part of peanut oil, and it was not an olive oil produced in Italy, but was a mixture composed in large part of peanut oil produced in the United States.

On October 14, 1935, a plea of guilty was entered on behalf of the defendant company and the court imposed a fine of \$10.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

25303. Adulteration and misbranding of canned cherries. U. S. v. Western Oregon Packing Corporation. Plea of guilty. Fine, \$50. (F. & D. no. 35888. Sample no. 71223-A.)

This case was based on a shipment of canned cherries samples of which were found to contain maggots. Examination further showed that the product was substandard because of the presence of excessive pits and that it was not labeled to indicate that it was substandard.

On August 31, 1935, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Western Oregon Packing Corporation, Corvallis, Oreg., alleging shipment by said company in violation of the Food and Drugs Act as amended, on or about March 9, 1934, from the State of Oregon into the State of Idaho of a quantity of canned cherries which were adulterated and misbranded. The article was labeled in part: (Can) "Porto Brand * * * Sour Pitted Cherries Packed In Water * * * Mason, Ehrman & Co. Portland, Ore."

The article was alleged to be adulterated in that it consisted in whole and in part of a filthy vegetable substance.

Misbranding was alleged for the reason that the article was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture and its package or label did not bear a plain and conspicuous statement prescribed by regulations of this Department indicating that it fell below such standard.

On October 8, 1935, a plea of guilty was entered on behalf of the defendant company and the court imposed a fine of \$50.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

25304. Misbranding of cottonseed meal. U. S. v. Temple Cotton Oil Co. Plea of guilty. Fine, \$25. (F. & D. no. 35890. Sample nos. 8166-B, 27408-B, 27411-B.)

This case was based on shipments of cottonseed meal, a part of which contained less protein than declared on the label and the remainder of which was short in weight.

On August 6, 1935, the United States attorney for the Eastern District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Temple Cotton Oil Co., a corporation, Little Rock, Ark., alleging shipment by said company in violation of the Food and Drugs Act as amended, on or about September 29, November 14, and November 19, 1934, from the State of Arkansas into the State of Kansas, of quantities of cottonseed meal which was misbranded. A portion of the article was labeled: "Quapaw Brand Cottonseed Meal—Cake Guaranteed Analysis Protein 41.00% * * * Manufactured by Temple Cotton Oil Company, Little