

**26838. Adulteration of apple butter. U. S. v. D. B. Scully Syrup Co. Plea of nolo contendere. Fine, \$50 and costs. (F. & D. no. 37039. Sample nos. 39363-B, 39368-B.)**

This case involved apple butter that contained arsenic and lead in amounts which might have rendered it injurious to health.

On May 19, 1936, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the D. B. Scully Syrup Co., a corporation, Chicago, Ill., alleging shipment by said company in violation of the Food and Drugs Act on or about August 29, August 31, and October 18, 1935, from the State of Illinois into the State of Wisconsin of quantities of apple butter that was adulterated. A portion of the article was labeled: "Silver Buckle Brand \* \* \* Pure Apple Butter Distributed By E. R. Godfrey & Sons Co. Milwaukee, Wis." The remainder was labeled: "Bright Spot Pure Apple Butter Distributed By O. R. Pieper Co. Milwaukee Wis."

The article was alleged to be adulterated in that it contained added poisonous and deleterious ingredients, arsenic and lead, in amounts which might have rendered it injurious to health.

On December 9, 1936, a plea of nolo contendere was entered on behalf of the defendant and the court imposed a fine of \$50 and costs.

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

**26839. Adulteration of tomato juice. U. S. v. Bertes A. Rudolph. Plea of guilty. Fine, \$75 and costs. (F. & D. no. 37041. Sample nos. 49263-B, 49345-B, 49346-B, 52727-B, 52829-B, 52830-B, 68703-B.)**

This case involved canned tomato juice that contained excessive mold.

On August 31, 1936, the United States attorney for the Western District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Bertes A. Rudolph, a member of a firm trading as the Robinson Canning Co., Robinson, Ark., alleging shipment by said defendant in violation of the Food and Drugs Act, between the dates of September 30, 1935, and January 16, 1936, from the State of Arkansas into the States of Oklahoma, Missouri, and Iowa of quantities of canned tomato juice that was adulterated. The article was labeled in part: "King of Ozarks Brand [or "Siloam Brand"] \* \* \* Packed by Robinson Canning Co., Robinson, Ark., Tomato Juice."

It was alleged to be adulterated in that it consisted in part of a decomposed vegetable substance.

On February 2, 1937, the defendant having entered a plea of guilty, the court imposed a fine of \$75 and costs.

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

**26840. Adulteration and misbranding of olive oil. U. S. v. Fifty-five 1-Gallon Cans of Olive Oil (and two other libel proceedings). Consent decree of condemnation. Product released under bond. (F. & D. nos. 37396, 37423, 37478. Sample nos. 61546-B, 61552-B, 61557-B, 61567-B.)**

These cases involved olive oil which was adulterated with tea-seed oil.

On March 23, March 24, and March 30, 1936, the United States attorney for the District of Connecticut, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 90 gallon cans, 23 half-gallon cans, and 22 quart cans of olive oil at New Haven, Conn.; and 8 gallon cans and 5 half-gallon cans of olive oil at Bridgeport, Conn., alleging that the article had been shipped in interstate commerce in various shipments on or about May 31, October 24, and November 8, 1935, by the Arte Products, Inc., from New York, N. Y., and charging adulteration and misbranding in violation of the Food and Drugs Act. A portion of the article was labeled, "La Rosa Brand", and the remainder was labeled, "Arte Brand."

The article was alleged to be adulterated in that tea-seed oil had been mixed and packed therein so as to reduce or lower its quality or strength, and had been substituted in whole or in part for olive oil, which the article purported to be.

Misbranding of the article was alleged in that the following statements and designs borne on the labels were false and misleading and tended to deceive and mislead the purchaser when applied to a product containing tea-seed oil: (Arte brand) "Superfine Pure Olive Oil Imported Product \* \* \*

Puro olio d'Oliva Sopraffino Prodotto Importato [design of olive branches and picture of a dish of green olives]", "Imported Product", "Prodotto Importato [design of Italian coat of arms and design of Italian flag]", "Imported Olive Oil"; (portion of La Rosa brand) "Superfine Quality \* \* \* Pure Olive Oil Imported \* \* \* Qualita Sopraffino \* \* \* Puro Olio d'Oliva Importato This Olive Oil is guaranteed to be absolutely pure and is highly recommended for table and medicinal purposes \* \* \* Questo Olio d'Oliva e garantito assolutamente puro ed e raccomandato per uso tavola e medicinale", "Imported Olive Oil [designs of olive branches and olives]", (portions of La Rosa brand, gallon and quart sizes) "Superfine Quality \* \* \* Pure Olive Oil Imported from Italy; Qualita Sopraffino \* \* \* Puro Olio d'Oliva Importato Dall'Italia, [design of olive branch]"; (half-gallon size) "Superfine Quality \* \* \* Pure Olive Oil Imported", "Qualita Sopraffino \* \* \* Puro Olio d'Oliva Importato [design of olive branch]"; (all sizes) "This olive oil is guaranteed to be absolutely pure and is highly recommended \* \* \* Questo Olio d'oliva e garantito assolutamente puro ed e raccomandato per uso tavola e medicinale [design of olive branch]", (gallon size) "Packed Exclusively for Triestino Importing Co.", "Impaccato esclusivamente per Triestino Importing Co.", (half-gallon and quart sizes) "Imported Exclusively for Triestino Importing Co.", (top of cans) "Imported Olive Oil." Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article.

On November 27, 1936, the Arte Products, Inc., having appeared as claimant and having consented to the entry of a decree, and the cases having been consolidated, judgment of condemnation was entered and it was ordered that the product be released under bond, conditioned that it be transferred to drums and labeled "Tea Seed Oil flavored with Olive Oil."

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

**26841. Adulteration and misbranding of olive oil. U. S. v. 52 Cans of Olive Oil. Default decree of condemnation and destruction. (F. & D. no. 37595. Sample no. 68825-B.)**

This case involved olive oil which was adulterated with tea-seed oil.

On April 15, 1936, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 52 gallon cans of olive oil at New Orleans, La., alleging that it had been shipped in interstate commerce on or about March 4, 1936, by the Italian Importing Corporation, New York, N. Y., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "L'Italia Redenta Brand Pure Olive Oil."

The article was alleged to be adulterated in that tea-seed oil had been mixed and packed therewith so as to reduce or lower its quality or strength and had been substituted in whole or in part for olive oil, which the article purported to be.

The article was alleged to be misbranded in that the following statements and designs borne on the label were false and misleading and tended to deceive and mislead the purchaser when applied to a product containing tea-seed oil: "L'Italia \* \* \* Pure Olive Oil", designs of olive leaves and olives, and of the map of Italy "Our olive oil is guaranteed by us to be absolutely pure under any chemical analysis", "Il nostro olio di ulivo é da noi garentito sotto qualsiasi analisi chimica assolutamente puro"; and design of Italian coat of arms and the use of Italian national colors, red, white, and green. The article was alleged to be misbranded further in that it was offered for sale under the distinctive name of another article, namely, olive oil.

On January 6, 1937, 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.*

**26842. Adulteration of cream. U. S. v. Two 10-Gallon Cans of Cream. Consent decree of condemnation and destruction. (F. & D. no. 37848. Sample no. 36221-B.)**

This case involved cream that was putrid, maggoty, and moldy.

On or about June 21, 1936, the United States attorney for the Northern District of West Virginia, acting upon a report by the Secretary of Agricul-