

from the State of Texas into the State of Oklahoma, of quantities of peanut butter that was misbranded in violation of the Food and Drugs Act as amended. The article was labeled in part: "Natures Best Select Quality Peanut Butter Contents 1 Lb. 8 Ozs."

The article was alleged to be misbranded in that the statement "Contents 1 Lb. 8 Ozs.," borne on the jar labels, was false and misleading and tended to deceive and mislead the purchaser since the jars did not contain 1 pound 8 ounces but did contain a less amount; and in that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On November 28, 1938, the defendant entered a plea of nolo contendere and the court imposed a fine of \$25.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29924. Adulteration of dried prunes. U. S. v. 15 Cases and 18 Cases of Dried Prunes. Default decree of condemnation and destruction. (F. & D. No. 43676. Sample No. 27573-D.)

This product, which had been shipped in interstate commerce and remained unsold and in the original packages at the time of examination, was found to be insect-infested.

On September 2, 1938, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 33 cases of prunes at Amarillo, Tex.; alleging that the article had been shipped on or about March 25, 1938, by the California Packing Corporation from Fresno, Calif.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Calpack Fruits * * * Comet Brand * * * Prunes."

It was alleged to be adulterated in that it consisted wholly or in part of a filthy vegetable substance, since it was insect-infested.

On October 10, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29925. Misbranding of cottonseed cake. U. S. v. Rule-Jayton Cotton Oil Co. Plea of guilty. Fine, \$75. (F. & D. No. 42557. Sample No. 4148-D.)

This product contained less protein than declared on the label.

On September 17, 1938, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Rule-Jayton Cotton Oil Co., a corporation, Rule, Tex., alleging shipment by said company in violation of the Food and Drugs Act on or about February 4, 1938, from the State of Texas into the State of Kansas of a quantity of cottonseed cake that was misbranded.

The article was alleged to be misbranded in that the statement "Crude Protein, not less than 43%," borne on the tag, was false and misleading and was borne on the said tag so as to deceive and mislead the purchaser since the article contained less than 43 percent crude protein.

On October 3, 1938, the defendant having entered a plea of guilty, the court imposed a fine of \$75.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29926. Adulteration and misbranding of olive oil. U. S. v. P. Esposito & Bro., Inc., and Pietro Esposito. Pleas of guilty. Fine against corporation of \$19, which was remitted. Individual fined \$200 on count 1. Sentence suspended on remaining counts and the defendant placed on probation for 1 year. (F. & D. Nos. 33827, 33987. Sample Nos. 7953-A, 43072-A, 52105-A, 52138-A, 66225-A, 66238-A, 67406-A, 67425-A, 67448-A.)

This product was labeled to indicate that it was Italian olive oil, whereas it consisted partially of domestic cottonseed oil. Certain lots were short of the declared volume.

On August 28, 1936, 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 an information against P. Esposito & Bros., Inc., and Pietro Esposito, New York, N. Y., alleging shipment by said defendants in violation of the Food and Drugs Act as amended, within the period from on or about September 25, 1933, to on or about January 25, 1934, from the State of New York in part into the State of New Jersey, and in part into the State of Connecticut, of quantities of alleged olive oil that was adulterated and misbranded. The article was labeled in part: "La Gloriosa Brand * * * La Gloriosa Pack-