

27828. Adulteration of butter. U. S. v. 40 Tubs of Butter. Consent decree of condemnation. Product released under bond to be reworked. (F. & D. No. 40367. Sample No. 60408-C.)

This product contained less than 80 percent of milk fat.

On or about September 3, 1937, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 40 tubs of butter at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about August 25, 1937, by the Clarco Products Co. from Chickasha, Okla., and charging adulteration in violation of the Food and Drugs Act.

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 of milk fat.

On September 20, 1937, Karsten & Sons, Inc., Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be reworked so that it comply with the law.

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

27829. Adulteration and misbranding of butter. U. S. v. Deer Park Creamery Co. Plea of nolo contendere. Fine, \$75. (F. & D. No. 36034. Sample Nos. 24091-C, 24092-C.)

This product contained less than 80 percent of milk fat.

On July 8, 1937, the United States attorney for the Eastern District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Deer Park Creamery Co., a corporation, Deer Park, Wash., alleging that on or about November 30, 1936, the defendant sold and delivered to Swift & Co., at Spokane, Wash., a quantity of butter under a guaranty that it was not adulterated or misbranded in violation of the Food and Drugs Act; that on or about December 3, 1936, portions of the said butter, in the identical condition as when it was received, was shipped by Swift & Co. from the State of Washington into the State of Idaho; and charging that it was adulterated in violation of the Food and Drugs Act. The article was labeled in part: (Wrapper) "Swift's Brookfield Butter * * * Distributed by Swift & Company * * * Chicago."

It 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 of milk fat.

On September 7, 1937, a plea of nolo contendere was entered on behalf of the defendant and the court imposed a fine of \$75.

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

27830. Adulteration of canned salmon. U. S. v. Independent Salmon Canneries, Inc. Plea of guilty. Fine, \$100 and costs. (F. & D. No. 36962. Sample Nos. 26569-B, 37922-B.)

This product was in part decomposed.

On March 3, 1936, 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 Independent Salmon Canneries, Inc., Seattle, Wash., alleging shipment by said company in violation of the Food and Drugs Act on or about August 9, 1935, from Ketchikan, Alaska, into the State of Washington of a quantity of canned salmon that was adulterated.

The article was alleged to be adulterated in that it consisted in part of a decomposed animal substance.

On October 6, 1937, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$100 and costs.

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

27831. Adulteration and misbranding of olive oil. U. S. v. Cosmos Food Stores, Inc., and Paul B. Booras. Pleas of guilty. Corporation fined \$1; Paul B. Booras fined \$100, payment of which was suspended and defendant placed on probation for 1 year. (F. & D. No. 37922. Sample Nos. 65614-B to 65624-B, incl.)

This product was adulterated with tea-seed oil.

On September 21, 1936, 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 the Cosmos Food Stores, Inc., Lynn, Mass.,

and Paul B. Booras, alleging shipment by said defendants in violation of the Food and Drugs Act on or about September 16 and December 19, 1935, and January 25, 1936, from the State of Massachusetts into the State of New Hampshire of quantities of olive oil that was adulterated and misbranded. The article was labeled in part: "Cosmos Brand * * * Pure Italian Olive Oil * * * Cosmos Food Inc. Importers."

It was alleged to be adulterated in that tea-seed oil had been substituted in part for olive oil, which it purported to be; and in that tea-seed oil had been mixed and packed with it so as to reduce or lower its quality or strength.

The article was alleged to be misbranded in that it was offered for sale under the distinctive name of another article, namely, olive oil; in that the statements and designs borne on the cans, "Imported Extra Fine Virgin * * * Pure Italian Olive Oil [designs of medals inscribed "Vittorio Emanuele III Re D'Italia" and "Exposition Agricoltura Roma Medaglia D'Oro"] Gold Medal Award * * * Extra Fine Pure Olive Oil This Olive Oil is guaranteed absolutely pure and of the finest quality * * * Extra Fine Olio D'oliva Sopraffino Quest'olio essendo assolutamente puro non sole e raccomandato come medicinale ma anche per tutti quegli usi in cui e indicato L'olio D'oliva," were false and misleading, and in that the said statements and designs were borne on the cans so as to deceive and mislead the purchaser, since they represented that the article was composed wholly of olive oil and that it was olive oil produced in Italy, whereas it was not composed wholly of olive oil but was a mixture of tea-seed oil and olive oil, and it was not olive oil produced in Italy but was a mixture composed in part of tea-seed oil, not produced in Italy.

On September 28, 1937, defendant Paul B. Booras entered a plea of guilty and the court imposed a fine of \$100. Payment was suspended, and the defendant was placed on probation for a period of 1 year, said period to run concurrently with the probation imposed for conviction of conspiracy, reported in notice of judgment No. 27649. On December 14, 1937, the Cosmos Food Stores, Inc., entered a plea of guilty and a fine of \$1 was imposed.

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

27832. Adulteration and misbranding of olive oil. U. S. v. Vincent Buonocore, Inc., Vincent Buonocore, and Michael Buonocore. Pleas of nolo contendere. Fines, \$270. (F. & D. No. 37987. Sample Nos. 61174-B, 61238-B, 61239-B, 61561-B, 61562-B, 61565-B, 61566-B, 61760-B, 70414-B.)

This product was represented to be pure imported olive oil, whereas it consisted in part of tea-seed oil.

On July 30, 1937, 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 Vincent Buonocore, Inc., New York, N. Y., and Vincent Buonocore, and Michael Buonocore, officers of the corporation, alleging shipment by said defendants on or about July 15 and November 22, 1935, and February 26 and March 4, 1936, from the State of New York into the State of Connecticut; on or about September 15, October 19, November 14 and 27, 1935, and February 26, 1936, from the State of New York into the State of New Jersey; and on or about November 30, 1935, from the State of New York into the State of Pennsylvania of quantities of olive oil which was adulterated and misbranded in violation of the Food and Drugs Act. The article was variously labeled in part: (Cans) "Tre Ancore Brand * * * B Inc."; "Figlia D'Italia Brand * * * Packed for Cilento"; "L'Italiana Brand * * * Packed for Sorrentino & Co., Jersey City, N. J."; "Messina Brand * * * Packed For Messina Imp. Co. Hoboken, N. J."; "Michele Spinelli Brand * * * Michele Spinelli Hartford, Conn."; "Roma Brand * * * B V Inc."; "Aurora Brand * * * Packed for Aurora Importing Co. Waterbury, Conn."

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

The article, with the exception of the Michele Spinelli brand, was alleged to be misbranded in that the following statements and designs appearing on the various can labels, (Tre Encore brand) "Olio d'Oliva Italiano Puro," "Se Ne Garentisce L'Assoluta Purita Sotto Analsi," "Pure Imported Olive Oil," "Pure Italian Olive Oil," and "The absolute purity of the Olive Oil contained in this Tin is Guaranteed by the Packers Under Any Chemical Analysis [designs