sirup sugar cakes that were misbranded. The article was labeled in part: (Crate) "Vermont Maple Syrup Sugar Cakes"; (wrapper) "Vermont Maple Syrup Sugar Cakes 100% Pure."

The article was alleged to be misbranded in that the statements, "Vermont Maple Syrup Sugar Cakes", borne on the crates and wrappers, and "100% Pure", borne on the wrappers were false and misleading, and in that it was labeled so as to deceive and mislead the purchaser, since the said statements represented that it consisted wholly of maple sirup sugar; whereas it consisted in large part of a product other than maple sirup sugar.

On March 1, 1937, the defendant entered a plea of guilty and was placed on probation for 1 year under a suspended sentence of $100 fine.

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

27036. Adulteration and misbranding of whisky. U. S. v. 4 Cases of Alleged Whisky. Default decree of condemnation and destruction. (F. & D. no. 37146. Sample no. 67426–B.)

This case involved imitation whisky that had been substituted for whisky.

On February 3, 1936, the United States attorney for the District of Delaware, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of four cases of alleged whisky at Wilmington, Del., alleging that the article had been shipped in interstate commerce on or about December 19, 1935, by the National Wholesale Liquor Co. from Baltimore, Md., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Seaboard Whiskey Bottled for Seaboard Distillers Products Baltimore, Md."

The article was alleged to be adulterated in that imitation whisky had been substituted for the article.

It was alleged to be misbranded in that the name "Whiskey" was false and misleading and tended to deceive and mislead the purchaser when applied to imitation whisky, and in that it was an imitation of and was offered for sale under the distinctive name of another article, namely, whisky.

On October 14, 1936, 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.*

27037. Adulteration and misbranding of olive oil. U. S. v. 16 Half-Gallon Cans, 15 Quart Cans, and 55 Gallon Cans of Olive Oil. Default decree of condemnation and destruction. (F. & D. no. 37807. Sample nos. 55339–B, 55340–B.)

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

On June 11, 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 a libel praying seizure and condemnation of 86 cans of olive oil at Chicago, Ill., alleging that it had been shipped in interstate commerce on or about February 21 and April 27, 1936, by Moscahlades Bros., Inc., from New York, N. Y., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Elephant Brand Imported Virgin Olive Oil Embro Import Co. * * * New York, N. Y. Sole Distributors."

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

The article was alleged to be misbranded in that the following statements and designs appearing on the labels were false and misleading and tended to deceive and mislead the purchaser when applied to a product containing tea-seed oil; "Imported Virgin Olive Oil * * * Puro Olio d'Oliva Vergine * * * [design of olive branch and olives] The olive oil contained in this can is pressed from fresh picked selected olives. It is guaranteed to be absolutely pure under chemical analysis and is highly recommended for table use and medicinal purposes"; L'Olio di oliva che questa latta contiene, e prodotto da olive accuratamente scelte, e garantito di essere assolutamente puro sotto qualunque analisi chemica. Esso e altamente raccomandato tanto per uso de tavola come per uso medicinale."; "Imported Olive Oil"; "Imported from Italy." It was alleged to be misbranded further in that it was offered for sale under the distinctive name of another article, namely, olive oil.

On March 25, 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.*