

district court an information against John Montecalvo, Providence, R. I., alleging shipment by said defendant in violation of the Food and Drugs Act on or about January 18, 1935, from the State of Rhode Island into the State of Massachusetts of a quantity of alleged olive oil that was misbranded. The article was labeled in part: "Imported from Italy * * * Vieste Gargano brand Pure Olive Oil Prodotto di Vieste-Italia Impaccato dai Vieste Gargano Co."

It was alleged to be misbranded in that the statements, "Vieste Gargano * * * Pure Olive Oil", "Olio Puro Di Oliva", "Prodotto Di Vieste-Italia Impaccato dai Vieste Gargano Co.", "The Olive Oil Contained in this Can is of Finest Quality & Guaranteed Absolutely Pure under Chemical Analysis", "L'Olio Di Oliva Impaccato In Questa Latta E' Garantito Puro Sotto Analisi Chimica", and "Imported from Italy", together with designs showing olive branches bearing olives, borne on the cans containing the article, were false and misleading and were borne on the cans so as to deceive and mislead the purchaser, since they represented that the article was pure olive oil produced in and imported from Italy: whereas it was not pure olive oil produced in and imported from Italy but was a domestic product consisting chiefly, if not wholly, of cottonseed oil. The article was alleged to be misbranded further in that it was offered for sale under the distinctive name of another article, olive oil.

On September 4, 1936, a plea of guilty was entered and the court imposed a fine of \$50.

M. L. WILSON, *Acting Secretary of Agriculture.*

27153. Alleged adulteration of apples. U. S. v. Frank H. Hogue. Tried to the court and a jury. Verdict of not guilty. (F. & D. no. 35934. Sample no. 3886-B.)

On December 24, 1935, the United States attorney for the District of Idaho, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Frank H. Hogue, of Payette, Idaho, trading at Fruitland, Idaho, charging shipment by said defendant in violation of the Food and Drugs Act, on or about October 18, 1934, from the State of Idaho into the State of South Dakota of a quantity of apples that were alleged to be adulterated. The article was labeled in part: (Rubber stamp) "H. D. Coble Weiser, Idaho Winesap."

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

On September 24, 1936, the defendant having entered a plea of not guilty, the case came on for trial before a jury. The trial was concluded on September 26, 1936, on which date the jury returned a verdict of not guilty.

M. L. WILSON, *Acting Secretary of Agriculture.*

27154. Adulteration and misbranding of dairy feed. U. S. v. El Reno Mill & Elevator Co. Case submitted to court on agreed facts. Judgment of guilty; fine, \$75 and costs. (F. & D. no. 35956. Sample nos. 10152-B, 10153-B.)

This case involved an interstate shipment of dairy feed of which a portion contained oat hulls, weed seeds, and dried weeds, and more crude fiber and less nitrogen-free extract than declared on the label; and another portion contained ingredients not listed on the label, certain ingredients in excess, and other ingredients in a lesser amount than the percentages declared.

On September 16, 1935, the United States attorney for the Western District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the El Reno Mill & Elevator Co., a corporation trading at El Reno, Okla., alleging shipment by said company in violation of the Food and Drugs Act on or about September 28, 1934, and January 4, 1935, from the State of Oklahoma into the State of Texas of quantities of dairy feed of which a part was adulterated and misbranded, and the remainder was misbranded. A portion of the article was labeled in part: "Humreno Dairy Feed With Limestone, composed of corn feed meal, ground kafir, wheat bran, 43% protein cottonseed meal, 34% protein linseed meal, ground limestone 1%, bone meal, salt 1%, Manufactured by El Reno Mill & Elevator Company El Reno, Oklahoma." The remainder was labeled in part: "Big 'E' Pasture Substitute with Molasses and Limestone * * * Manufactured by El Reno Mill & Elevator Company El Reno, Okla."