25856. Misbranding of salad oil. U. S. v. Moosalina Products Corporation, a corporation, and Louis Weisberg and Samuel Hochheiser, officers of said corporation. Pleas of not guilty. Fines, $1,350. (F. & D. no. 33976. Sample nos. 52139–A, 52140–A, 52141–A, 52150–A, 67407–A, 69716–A, 69717–A, 69718–A, 69744–A.)

This case involved interstate shipments of a product consisting essentially of cottonseed oil flavored with olive oil or olive-oil flavor, which was labeled to convey the impression that it was olive oil of foreign origin.

On or about June 20, 1935, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Moosalina Products Corporation, a corporation, and Louis Weisberg and Samuel Hochheiser, officers of said corporation, at Brooklyn, N. Y., alleging that the article had been shipped in various shipments between the dates of May 4, 1933, and April 12, 1934, by the defendants from the State of New York into the State of New Jersey, and charging misbranding in violation of the Food and Drugs Act. The article was labeled, variously: "Oil, Lucca Toscana Brand, The Contents of Olive Oil in this Can is imported from Italy [same statement in Italian]"; "Oil Tuscaniny Brand * * * Packed by * * * Moosalina Products Corp. [same statements in Italian]."

The article was alleged to be misbranded in that the statements, "The Contents of Olive Oil in this Can is imported from Italy [same statement in Italian] * * * Oil Marca Lucca Toscana Brand", with respect to the Toscana brand, and the statements, "Oil Tuscaniny Brand * * * Oil Marca Tuscaniny * * * Moosalina", with respect to the Tuscaniny brand, together with the designs of olive leaves and branches, borne on the label, were false and misleading; and in that said cans bore statements and designs so as to deceive and mislead the purchaser, since they represented that the article was imported Italian olive oil; whereas it consisted principally of domestic cottonseed oil containing a small amount of olive oil and the misleading statements and designs were not corrected by the relatively inconspicuous statement, "is composed of eighty five percent of the finest domestic vegetable oil, fifteen percent of the best imported olive oil", borne on the cans. Misbranding was alleged further in that the article was offered for sale under the distinctive name and was an imitation of another article, olive oil, which it was purported to be, but was not.

On October 1, 1935, pleas of not guilty were entered on behalf of defendants and the court imposed a fine of $450 against the corporation, $450 against Louis Weisberg, and $450 against Samuel Hochheiser.

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

25857. Misbranding of butter. U. S. v. Consolidated Dairy Products Co. Plea of guilty. Fine, $135 and costs. (F. & D. no. 33997. Sample nos. 707–B, 708–B, 10915–B, 11105–B, 11120–B.)

This case was based on shipments of butter which were short-weight.

On May 13, 1935, 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 Consolidated Dairy Products Co., a corporation, Seattle, Wash., alleging shipment by said company in violation of the Food and Drugs Act, as amended on or about July 20, July 23, July 25, and July 30, 1934, from the State of Washington into Alaska of quantities of butter that was misbranded. The article was labeled in part: "Darigold Sweet Cream Butter * * * One Pound Net * * * United Dairymen's Association Produced and Distributed by Consolidated Dairy Products Company—Seattle-Tacoma."

The article was alleged to be misbranded in that the statement "One Pound Net", borne on the carton containing the article, was false and misleading and for the further reason that it was labeled so as to deceive and mislead the purchaser, since the cartons contained less than 1 pound net of butter. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was not correct.

On March 3, 1936, a plea of guilty was entered on behalf of the defendant company and the court imposed a fine of $135 and costs.

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