25192. Adulteration of dried pears. U. S. v. California Packing Corporation. Plea of guilty. Fine, $200. (F. & D. no. 35945. Sample nos. 13023–B, 21941–B.)

This case was based on an interstate shipment of dried pears which contained dirty, moldy, and worm-infested pieces of fruit.

On September 4, 1935, the United States attorney for the Northern District of California, acting on a report by the Secretary of Agriculture, filed in the district court an information against the California Packing Corporation, San Francisco, Calif., charging shipment by said corporation in violation of the Food and Drugs Act on or about February 15, 1935, from the State of California into the State of New York of a quantity of dried pears which were adulterated.

The article was labeled in part: "25 Lbs Net Wt. Highland Extra Choice Light Colored Northern Pears Prepared With Sulphur Dioxide Packed By California Packing Corporation Main Office San Francisco Cal."

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

On September 28, 1935, a plea of guilty was entered on behalf of the defendant corporation, and the court imposed a fine of $200.

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

25193. Misbranding of olive oil. U. S. v. Dominic Tavano and George Renos (Italian Olive Oil Co.). Pleas of guilty. Defendants fined $25 each. (F. & D. no. 35878. Sample no. 20729–B.)

This case was based on an interstate shipment of a product consisting essentially of domestic cottonseed oil, which was represented on the label to be olive oil produced in Italy.

On October 7, 1935, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Dominic Tavano and George Renos, copartners, trading as the Italian Olive Oil Co., Jamestown, N. Y., charging shipment by said defendants, in violation of the Food and Drugs Act, on or about October 1, 1934, from the State of New York into the State of Pennsylvania of a quantity of olive oil which was misbranded. The article was labeled in part: "La Vergine Brand Finest Quality Oil [design of olive tree bearing fruit] Lucca Qualita Extra Fina Insuperabile per Tavola, Cucina Etc. Extra Fine Quality Oil Insuperable for Table, Cooking Etc."

The article was alleged to be misbranded in that the statement, "Finest Quality Oil Lucca", together with the design of an olive tree, borne on the label on the cans, was false and misleading, and in that by reason of said statement and design the article was labeled so as to deceive and mislead the purchaser, since they represented that the article was olive oil produced in Lucca in Italy; whereas, in fact, the article was not olive oil and was not produced in Italy, but was composed essentially of cottonseed oil and was produced in the United States.

On November 22, 1935, the defendants entered pleas of guilty and the court imposed a fine of $25 on each.

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

25194. Misbranding of olive oil. U. S. v. 114 Bottles of Olive Oil. Default decree of condemnation and forfeiture. Product delivered to charitable institution. (F. & D. no. 35789. Sample no. 42303–B.)

This case involved a shipment of olive oil in bottles, the quantity of the contents of which was not stated thereon.

On July 20, 1935, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 114 bottles of olive oil at Newark, N. J., alleging that the article had been shipped in interstate commerce on or about July 11, 1935, by Conti Products Corporation, from New York, N. Y., and that the article was misbranded in violation of the Food and Drugs Act. The article was labeled: "Conti Pure Virgin Olive Oil From the Finest Selected Olives Product of Italy."

The article was alleged to be misbranded 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 September 17, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be delivered to a suitable charitable or relief organization.

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