

signments was alleged in that it was food in package form and the quantity of the contents of the package was not plainly and conspicuously marked on the outside of the package. since the quantity of the contents of the package, respectively, was less than the amounts respectively stated thereon.

On September 10, 1935, a plea of guilty was entered on behalf of the defendant corporation and the court imposed a fine of \$60.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

25269. Misbranding of olive oil. U. S. v. W. A. Taylor & Co. Plea of guilty. Fine, \$50. (F. & D. no. 34007. Sample nos. 38878-A, 38882-A, 38883-A, 38887-A, 38889-A, 38891-A.)

This case was based on interstate shipments of olive oil the bottles of which were short in volume.

On July 22, 1935, 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 W. A. Taylor & Co., a corporation, New York, N. Y., charging shipment by said corporation in violation of the Food and Drugs Act, on or about May 17 and 25, 1934, in three consignments, from the State of New York into the State of California, of quantities of olive oil which was misbranded. The article in one consignment, being in bottles of two sizes, the smaller bottles were labeled: "Contents 4 oz. Red Lion [design of red lions] Imported Pure Virgin Olive Oil Packed by W. A. Taylor & Co. New York", and the labeling of the larger bottles was the same as that of the smaller ones, except that the statement of the contents was "16 oz." instead of "4 oz." The article in the second consignment, also in bottles of two sizes, was labeled, (smaller bottles) "Contents 4 oz. Red Lion [design of red lions] Imported Pure Virgin Olive Oil Packed by W. A. Taylor & Co. New York"; and the labeling of the larger bottles was the same as that of the smaller ones, except that the statement of the contents was "16 oz." instead of "4 oz." The article in the second consignment, also in bottles of two sizes, was labeled, (larger bottles) "Contents 8 fl. oz. Virgilio Imported Pure Virgin Olive Oil [design of olive-bearing branches] Packed by W. A. Taylor & Co. New York"; and the labeling of the smaller bottles was the same as that of the larger ones, except that the statement of contents was "4 fl. oz." instead of "8 fl. oz." The bottles of the article in the third consignment were labeled: "Contents 8 fl. Ozs. Alpi Imported Olive Oil Packed by W. A. Taylor & Co., N. Y. [design of medals] Finest Grade Imported Olive Oil Recommended for table and medicinal uses."

It was alleged that the article in the three consignments was misbranded as follows: In that the statement "Contents 4 oz.", borne on the bottles in one of the two lots in the first consignment, and the statement "Contents 16 oz.", borne on the bottles in the other lot, were false and misleading, and in that by reason of said statements the article was labeled so as to deceive and mislead the purchaser, since the bottles in the two lots each contained less than the quantities stated, respectively; in that the statement "Contents 8 fl. oz.", borne on the bottles in one of the two lots in the second consignment, and the statement "4 fl. oz.", borne on the bottles in the other lot, were false and misleading, and in that by reason of said statements the article was labeled so as to deceive and mislead the purchaser, since the bottles in the two lots each contained less than the quantities stated, respectively; and in that the statement "Contents 8 Fl. Ozs.", borne on the bottles in the third consignment, were false and misleading, and in that by reason of said statement the article was labeled so as to deceive and mislead the purchaser, since the bottles each contained less than the quantity stated. Misbranding of the article in all of the three consignments was alleged further, in 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 quantities stated were incorrect.

On October 7, 1935, a plea of guilty was entered on behalf of the defendant corporation and the court imposed a fine of \$50.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

25270. Misbranding of canned cherries. U. S. v. Herman W. Ullsperger and Adolph M. Christensen (Onekama Packing Co.). Pleas of guilty. Fines, \$50 against each of the two defendants. (F. & D. no. 34011. Sample no. 3426-B.)

This case was based on an interstate shipment of canned cherries which were water-packed and not so labeled.

On August 10, 1935, the United States attorney for the Western District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Herman W. Ullsperger and Adolph M. Christensen, trading as Onekama Packing Co., Onekama, Mich., charging shipment by said defendants, in violation of the Food and Drugs Act, on or about July 26, 1934, from the State of Michigan into the State of Missouri, of a quantity of canned cherries which were misbranded. The article was labeled in part: "Pallas Brand [design showing red, ripe cherries] Contents 1 Lb. 4 oz. Pitted Red Cherries Ridenour Baker Founded 1858 Ridenour-Baker Grocery Co. Distributors Kansas City, Mo."

The article was alleged to be misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture for such canned food and the label did not bear the plain and conspicuous statement prescribed by the Secretary of Agriculture, indicating that the article fell below such standard, that is to say, the cherries were packed in water and the cans were not labeled with the statement "Water pack cherries."

On August 15, 1935, the defendants entered pleas of guilty to the information and the court imposed a fine of \$50 against each defendant.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

25271. Adulteration and misbranding of candy. U. S. v. Willard B. Casterline (Casterline Bros.). Plea of guilty. Fine, \$15 and costs. (F. & D. no. 34018. Sample no. 65814-A.)

This case was based on an interstate shipment of candy which contained spirituous liquor, and which was misrepresented as not being a confection, and the packages of which failed to bear a statement of the quantity of the contents.

On June 6, 1935, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Willard B. Casterline, trading as Casterline Bros., Chicago, Ill., charging shipment by said defendant, in violation of the Food and Drugs Act, on or about February 6, 1935, from the State of Illinois into the State of Missouri, of a quantity of candy which was adulterated and misbranded.

The article was labeled: "5¢ A Shot Not A Confection Not To Be Sold To Minors. [Designs: Man in tuxedo suit holding up piece of chocolate; a glass with liquor] Genuine Liquor Filled Chocolates A finger for a Nickel Real Tax Paid Whiskey. Blended under Government supervision. A product of Casterline Bros., 4541 Ravenswood Ave., Chicago. Pure Chocolate. The Economic Drink, Guaranteed Pure."

The article was alleged to be adulterated within the meaning of the act, in the case of confectionery, in that it contained spirituous liquor.

The article was alleged to be misbranded in that the statement "Not A Confection", borne on the label, was false and misleading, and in that by reason of the said statement the article was labeled so as to deceive and mislead the purchaser, since the statement represented that the article was not a confection; whereas in fact it was a confection. Misbranding of the article was alleged further in that it was food in package form and the quantity of the contents was not marked plainly and conspicuously, or at all, on the outside of the package.

On October 22, 1935, the defendant entered a plea of guilty and the court imposed a fine of \$15 and costs.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

25272. Adulteration and misbranding of candy. U. S. v. Cosmopolitan Candy Co., Inc. Plea of guilty. Fine, \$25 and costs. (F. & D. no. 34020. Sample nos. 65036-A, 65330-A, 65331-A, 65332-A, 65333-A.)

This case was based on interstate shipments of candy which contained spirituous liquor, and which was misrepresented as not being a confection, and the packages of which failed to bear a statement of the weight of the contents.

On June 6, 1935, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Cosmopolitan Candy Co., a corporation, Chicago, Ill., charging shipment by said corporation, in violation of the Food and Drugs Act, on or about January 23, and February 6, 1934, from the State of Illinois into the States of Indiana and Michigan, of quantities of candy which was adulterated and misbranded. The article was labeled: "Cordials (Not A Confection) Twenty-four Pieces Made in U. S. A."

The article was alleged to be adulterated within the meaning of the act, in case of confectionery, in that it contained spirituous liquor.