24577. Adulteration and misbranding of butter. U. S. v. Roscoe R. Seiling (Peerless Ice Cream & Butter Co.). Plea of guilty. Fine, $20 and costs. (F. & D. no. 33952. Sample nos. 71445–A, 07–B.)

This case was based on interstate shipments of butter that contained less than 80 percent of milk fat.

On March 23, 1935, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Roscoe R. Seiling, trading as the Peerless Ice Cream & Butter Co., Lamar, Colo., alleging shipment by said defendant in violation of the Food and Drugs Act, on or about May 16 and July 5, 1934, from the State of Colorado into the State of Kansas of quantities of butter that was adulterated and misbranded. The article was labeled in part: "Peerless The Butter That Equals its Name * * * One Pound Net * * * Peerless Ice Cream and Butter Co. Lamar, Colo."

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent by weight of milk fat, as required by the act of Congress of March 4, 1923, which the article purported to be.

Misbranding was alleged for the reason that the statement "Butter", borne on the carton label, was false and misleading, and for the further reason that it was labeled so as to deceive and mislead the purchaser, since the said statement represented that the article was butter, namely, a product containing not less than 80 percent by weight of milk fat as required by law; whereas it contained less than 80 percent by weight of milk fat.

On May 3, 1935, the defendant entered a plea of guilty and the court imposed a fine of $20 and costs.

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

24578. Adulteration of butter. U. S. v. Theodore L. Hoef (Monroe City Creamery). Plea of guilty. Fine, $100. (F. & D. no. 33979. Sample no. 7971–A.)

This case was based on an interstate shipment of butter that contained less than 80 percent by weight of milk fat.

On April 8, 1935, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Theodore L. Hoef, trading as the Monroe City Creamery, Monroe City, Mo., alleging shipment by said defendant, in violation of the Food and Drugs Act on or about June 6, 1934, from the State of Missouri into the State of New York, of a quantity of butter which was adulterated.

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which must contain not less than 80 percent by weight of milk fat, as required by the act of Congress of March 4, 1923, which the article purported to be.

On April 30, 1935, the defendant entered a plea of guilty and the court imposed a fine of $100.

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

24579. Misbranding of salad oil. U. S. v. 101 Cases and 26 Cans of Salad Oil. Decrees of condemnation. Portion of product released under bond to be relabeled. Remainder destroyed. (F. & D. nos. 34232, 34233. Sample nos. 10537–B, 17850–B.)

These cases involved two lots of oil, one lot consisting of cottonseed oil with some olive oil present, and the other consisting of cottonseed oil and peanut oil with some olive oil present, both lots of which were labeled to convey the impression that they were olive oil.

On November 1, 1934, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 101 cases and 26 cans of salad oil at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce in various shipments on or about October 11, 1933, and August 28 and 29, 1934, by the Italian Olive Oil Corporation, from New York, N. Y., and charging misbranding in violation of the Food and Drugs Act. A portion of the article was labeled: "Superfine Olio Rita Brand." The remainder was labeled: "Olio Unico Brand."