23901. Adulteration of butter. U. S. v. Herman A. Curt (Almena Creamery). Plea of nolo contendere. Fine, $10. (F. & D. no. 32899. Sample no. 66080–A.)

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

On September 14, 1934, the United States attorney for the Western District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Herman A. Curt, trading as Almena Creamery, Almena, Wis., alleging shipment by said defendant in violation of the Food and Drugs Act, in the name of the Turtle Lake Cooperative Co., on or about January 30, 1934, from the State of Wisconsin into the State of Illinois, 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 should contain not less than 80 percent of milk fat as prescribed by an act of Congress of March 4, 1923.

On November 12, 1934, the defendant entered a plea of nolo contendere, and the court imposed a fine of $10.

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

23902. Adulteration of butter. U. S. v. 41 Cases, et al., of Butter. Default decree of condemnation. Product disposed of for animal food. (F. & D. no. 32937. Sample nos. 66475–A, 66551–A, 66552–A.)

This case involved a shipment of butter, samples of which were found to contain mold, rodent hair, pieces of insects, and other filth.

On June 23, 1934, the United States attorney for the Western District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 67 cases of butter at Shreveport, La., alleging that the article had been shipped in interstate commerce, on or about May 30, 1934, by the Western Produce Co., from Abilene, Tex., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part, variously: "Clear Brook Brand"; "Delicious Brand"; "Rath's Black Hawk Brand."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On October 15, 1934, no claimant having appeared, and the allegations of the libel having been found to be true and correct and in accordance with the verdict of a jury, judgment of condemnation was entered and it was ordered that the product be destroyed if not fit for human consumption, or delivered to charitable institutions if found fit for human consumption. The product was disposed of for animal food.

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

23903. Adulteration and misbranding of salad oil. U. S. v. 62 Cans of Alleged Olive Oil. Default decree of condemnation. Product ordered delivered to charitable institutions. (F. & D. no. 32970. Sample nos. 67448–A, 7953–A.)

This case involved a product which was found to consist of mixtures of cottonseed oil and olive oil, or peanut oil and olive oil, which was labeled to convey the impression that it was olive oil of foreign origin. The product was also short volume.

On or about June 19, 1934, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 62 cans of a product, purporting to be olive oil, at New Haven, Conn., alleging that it had been shipped in interstate commerce, on or about October 23, 1933, by Pietro Esposito & Bro., from New York, N. Y., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "La Gloriosa Packing Co. P. E. & B. Inc."

The article was alleged to be adulterated in that mixtures of cottonseed oil and olive oil, and peanut oil and olive oil, had been substituted for imported olive oil, which the labeling as a whole implied the article to be.

Misbranding was alleged for the reason that the statements, "La Gloriosa Brand", "Prize Awarded at Exhibition of Rome 1924", "Italy", "Olio Finissimo", and the designs of a crown, olive branches, and medal carrying the Italian national colors, and the prominent words "Lucca Olive Oil", in the statement, "Pure and Delicious Oil Composed of Eighty Five Percent Choice