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

Salad Oil and Fifteen Percent Lucca Olive Oil", appearing on the labeling of the product, were misleading and tended to deceive and mislead the purchaser, since they created the impression that the article was imported olive oil; whereas it was not. Misbranding was alleged for the further reason that the article purported to be a foreign product when not so; for the further reason that the statement on the label, "One Gallon Net", was false and misleading and tended to deceive and mislead the purchaser; and for the further reason 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, since the statement made was incorrect.

On September 11, 1934, no claimant having appeared, judgment of condemnation and forfeiture was entered, and the court ordered that the product be delivered to charitable institutions.

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

23904. Misbranding of jellies. U. S. v. 182 Cases and 70 Cases of Assorted Jellies. Decrees of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. nos. 32972, 32991. Sample nos. 66840–A to 66843–A, incl., 66845–A to 66848–A, incl.)

Sample jars of assorted jellies taken from the shipment involved in this case were found to contain less than 14 ounces, the weight declared on the label.

On June 20 and June 26, 1934, the United States attorney for the District of Colorado, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 252 cases of assorted jellies, in part at Denver, Colo., and in part at Pueblo, Colo., consigned by the C. H. Musselman Co., Biglerville, Pa., alleging that the article had been shipped in interstate commerce, on or about May 12, 1934, from Biglerville, Pa., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Contents 14 Oz. Penn Maid Pure Apple-Raspberry, [et cetera] Jelly, Manufactured by The C. H. Musselman Co., Biglerville, Pa."

The article was alleged to be misbranded in that the statement, "Contents 14 Oz." borne on the label, was false and misleading and tended to deceive and mislead the purchaser; and for the further reason that it was food in package form and failed to bear a plain and conspicuous statement of the quantity of the contents, since the statement made was incorrect.

On August 20, 1934, the Brown Bros. Brokerage Co., a Colorado corporation, having appeared as claimant and having admitted the allegations of the libels, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of bonds totaling $1,025, conditioned that it be relabeled.

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

23905. Misbranding of salad oil. U. S. v. 550, 60, and 35 Cartons, of Salad Oil. Decree of condemnation and forfeiture. Product released under bond to be relabeled or repacked. (F. & D. no. 33029. Sample nos. 77405–A, 77406–A, 77407–A.)

This case involved a shipment of oil that was labeled to convey the impression that it was olive oil of foreign origin, but which consisted chiefly of domestic cottonseed oil, with a small amount of olive oil.

On June 29, 1934, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 645 cartons of salad oil at Boston, Mass., alleging that the article had been shipped in interstate commerce, on or about May 14, 1934, by V. Buonocore, Inc., from New York, N. Y., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "One Gallon Net [or "Half Gallon Net" or "Quart Gallon"] Fine Oil Lucia Brand Consisting of eighty percent Domestic Vegetable Oil and twenty per cent Virgin Olive Oil * * * Packed by V. Buonocore, Inc., New York, N. Y."

The article was alleged to be misbranded in that the statements, "Fine Oil" and "Lucia Brand", appearing on the label, were false and misleading and tended to deceive and mislead the purchaser, as applied to an article consisting chiefly of domestic cottonseed oil with a small amount of olive oil. Misbranding was alleged for the further reason that the article purported to be a foreign product, imported olive oil, when not so.

On August 3, 1934, Vincent Buonocore, Inc., New York, N. Y., having appeared as claimant and having admitted the allegations of the libel, judgment of con-