

ture, filed in the district court a libel praying seizure and condemnation of two 10-gallon cans of cream at Parkersburg, W. Va., alleging that on or about June 20, 1936, the article had been delivered for shipment in interstate commerce at Harrisville, W. Va., by the K. & T. Stores, Inc., a substation for the Sumner Co. cream station, of Parkersburg, W. Va., and charging adulteration in violation of the Food and Drugs Act. It was labeled in part: (Tag) "To The Sumner Co., Akron, Ohio."

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

On June 22, 1936, the K. & T. Stores, Inc., having consented to the entry of a decree, judgment was entered ordering that the product be destroyed.

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

26843. Adulteration of frozen raspberries. U. S. v. R. D. Bodle Co. Plea of guilty. - Fine, \$50 and costs. (F. & D. no. 37936. Sample nos. 43122-B, 55606-B.)

This case involved frozen raspberries samples of which were found to contain worms and insects.

On February 2, 1937, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the R. D. Bodle Co., a corporation of Seattle, Wash., alleging shipment by said company on or about August 8, 1935, from the State of Washington into the State of Illinois of a quantity of frozen raspberries that were adulterated. The information further alleged that the defendant company had sold and delivered the article on or about August 15, 1935, to the Nakat Packing Corporation of Seattle, Wash., under a guaranty that it complied with the Federal Food and Drugs Act; that the article had been shipped in interstate commerce on or about December 13, 1935, from the State of Washington into the State of New York by the Nakat Packing Corporation; that it was adulterated in violation of said act and that by reason of the guaranty the defendant company was amenable for prosecution for said shipment. The article was labeled in part: "R. D. Bodle Co. * * * Cuthbert Raspberries * * * Seattle, Wn."

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

On February 18, 1937, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$50 and costs.

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

26844. Adulteration and misbranding of butter. U. S. v. Rowan Creamery, Inc. Plea of guilty. Fine, \$50. (F. & D. no. 37950. Sample no. 48868-B.)

This product was deficient in milk fat and the label failed to bear a correct statement of the quantity of the contents.

On September 14, 1936, the United States attorney for the Middle District of North Carolina, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Rowan Creamery, Inc., Salisbury, N. C., alleging that on or about February 22, 1936, said defendant had shipped from the State of North Carolina into the State of South Carolina a quantity of butter that was adulterated and misbranded in violation of the Food and Drugs Act as amended. The article was labeled in part: "Guernsey Gold Creamery Butter One Pound Net When Packed Rowan Creamery, Inc., Salisbury, N. C."

It was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter.

It 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 since the statement made was not correct.

On October 19, 1936, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$50.

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

26845. Adulteration of olive oil. U. S. v. International Importing Co., Inc. Plea of guilty. Fine, \$100 and costs. (F. & D. no. 37962. Sample no. 65752-B.)

This product was adulterated with tea-seed oil.

On August 25, 1936, the United States attorney for the District of Rhode Island, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the International Importing Co., Inc., Providence, R. I., alleging shipment by said company in violation of the Food and Drugs Act on or about January 27, 1936, from the State of Rhode Island into the State of Connecticut of a quantity of alleged olive oil that was adulterated and misbranded. The article was labeled in part: "The Venetian Queen Brand Virgin Olive Oil Imported * * * By International Imp. Co."

It was alleged to be adulterated in that tea-seed oil had been mixed and packed therewith so as to reduce and lower its quality and strength and had been substituted in part for olive oil, which it purported to be.

The article was alleged to be misbranded in that the statements, "Venetian Queen Brand Guaranteed Pure Virgin Olive Oil Genoa Italy", "Marca La Venetian Queen Vergine Olio D'Oliva Importato Garantito Purissimo", "Venetian Queen Brand Garantito Purissimo Vergine Olio D'Oliva Genova Italia", "The Venetian Queen Brand Virgin Olive Oil Imported is Guaranteed Strictly Pure Under Chemical Analysis", and "Imported from Italy", together with the design of a foreign scene with a female figure holding a flag of Italy, borne on the can label, were false and misleading, and in that the article was labeled as aforesaid so as to deceive and mislead the purchaser, since said statements and design represented that it consisted wholly of olive oil imported from Italy; whereas it did not consist wholly of olive oil imported from Italy, but did consist in part of tea-seed oil not imported from Italy. The article was alleged to be misbranded further in that it was a mixture containing tea-seed oil prepared in imitation of olive oil and was offered for sale and sold under the distinctive name of another article, namely, olive oil.

On January 5, 1937, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$100 and costs.

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

26846. Adulteration and misbranding of canned tuna fish. U. S. v. Sun Harbor Packing Corporation. Plea of guilty. Fine, \$600. (F. & D. no. 38023. Sample nos. 34768-B, 34784-B, 34792-B, 34794-B, 34795-B, 55523-B, 55524-B, 55859-B, 60069-B, 62725-C.)

Certain lots of this product were short in weight, some were in part decomposed, and others were both short in weight and in part decomposed.

On December 1, 1936, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Sun Harbor Packing Corporation, San Diego, Calif., alleging shipment by said defendant on or about December 14, 1935, January 7, January 9, February 9, and February 20, 1936, in the name of Cohn-Hopkins, Inc., the name under which the defendant was doing business at that time, from the State of California into the States of Michigan, Maryland, Arizona, and Massachusetts of quantities of canned tuna, of which certain shipments were adulterated, some were misbranded, and others were adulterated and misbranded. The article was labeled in part variously: (Cans) "Premier * * * light meat tuna fish * * * Francis H. Leggett & Co., distributors New York * * * contents 7 oz. avoirdupois. Metric Equiv. 198 grams [or "contents 3½ ozs. avoirdupois. metric equivalent 99 grams"]]. Sun Harbor Brand, California, tuna, net contents 7 ozs. [or "net contents 3½ ozs."]. * * * packed by Cohn-Hopkins, Inc., quality packers, San Diego, Calif. Super Contents 7 oz. avoirdupois. tuna fish, distributors M. J. Caplan Co., Inc., Lawrence, Mass. C-H brand light meat tuna * * * net contents 7 oz. * * * packed by Cohn-Hopkins, Inc., San Diego, Calif."

The information alleged that the C-H brand, a portion of the Premier brand, and a portion of the Sun Harbor brand were adulterated in that the article consisted in whole or in part of a decomposed animal substance.

The information charged misbranding of certain lots in that the statements on the labels, "Contents 7 ozs. avoirdupois. Metric equivalent 198 grams", "contents 3½ ozs. avoirdupois. Metric equivalent, 99 grams", with respect to the Premier brand; "contents 7 oz. avoirdupois.", with respect to the Super brand; "net contents 7 oz.", with respect to the C-H brand and a portion of the Sun Harbor brand, were false and misleading and were applied to the article so as to deceive and mislead the purchaser, since the cans in the said lots contained less than declared. Misbranding was charged further with respect to the product in