

into the State of Pennsylvania of a quantity of olive oil that was misbranded. The article was labeled in part: "One Gallon Elephant Brand Imported Virgin Olive Oil Embro Import Co. Sole Distributors."

It was alleged to be misbranded in that the statement "One Gallon," borne on the can, was false and misleading and was borne on the can so as to deceive and mislead the purchaser since the cans contained less than 1 gallon of the article. It was alleged to be misbranded further 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 11, 1937, pleas of guilty were entered on behalf of the defendants; and the court imposed a fine of \$50 against each of the three defendants, but remitted payment in view of the fines imposed against the same defendants in the case reported in notice of judgment No. 27803.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

27805. Adulteration of butter. U. S. v. 8 Tubs of Butter. Consent decree of condemnation. Product released under bond. (F. & D. No. 40188. Sample Nos. 38551-C, 38555-C.)

This product contained less than 80 percent of milk fat.

On August 17, 1937, 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 a libel praying seizure and condemnation of eight tubs of butter at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about August 10, 1937, by the Staunton Creamery from Staunton, Va., and charging adulteration in violation of the Food and Drugs Act.

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.

On August 24, 1937, the Staunton Creamery, claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be reworked so that it contain at least 80 percent of milk fat.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

27806. Adulteration of butter. U. S. v. 16 Tubs of Butter. Consent decree of condemnation. Product released under bond. (F. & D. No. 40189. Sample No. 38552-C.)

This product contained less than 80 percent of milk fat.

On August 17, 1937, 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 a libel praying seizure and condemnation of 16 tubs of butter at New York, N. Y., alleging that it had been shipped in interstate commerce on or about August 9, 1937, by the Orange Creamery from Orange, Va., and charging adulteration in violation of the Food and Drugs Act.

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.

On August 24, 1937, the Orange Creamery, claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be reworked so that it contain at least 80 percent of milk fat.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

27807. Adulteration of butter. U. S. v. 13 Tubs of Butter. Consent decree of condemnation. Product released under bond. (F. & D. No. 40190. Sample No. 38553-C.)

This product contained less than 80 percent of milk fat.

On August 17, 1937, 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 a libel praying seizure and condemnation of 13 tubs of butter at New York, N. Y., alleging that it had been shipped in interstate commerce on or about August 12, 1937, by the Bedford Creamery from Bedford, Va., and charging adulteration in violation of the Food and Drugs Act.

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.

On August 26, 1937, the Bedford Creamery, claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be reworked so that it contain at least 80 percent of milk fat.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

27808. Adulteration of cream. U. S. v. Ten 10-Gallon Cans of Cream. Consent decree of condemnation and destruction. (F. & D. No. 40203. Sample No. 47353-C.)

This product was filthy or decomposed or both.

On July 13, 1937, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of ten 10-gallon cans of cream at Amarillo, Tex., alleging that the article had been shipped in interstate commerce on or about July 11, 1937, by the Bradbury Produce Co., in various shipments from Woodward, Shattuck, and Arnett, Okla., and charging adulteration in violation of the Food and Drugs Act.

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

On September 29, 1937, the shipper through its agents, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

27809. Adulteration of huckleberries. U. S. v. 2 Crates and 2 Crates of Huckleberries. Default decrees of condemnation and destruction. (F. & D. Nos. 40205, 40207. Sample Nos. 47071-C, 47072-C.)

This product was found to be infested with maggots.

On August 18, 1937, the United States attorney for the Eastern District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of four crates of huckleberries at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about August 17, 1937, in part by W. B. Layton from Laurel, Del., and in part by W. C. Truitt from Millsboro, Del., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it was infested with maggots.

On September 10, 1937, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

27810. Adulteration of huckleberries. U. S. v. 1 Crate (and 3 other seizures) of Huckleberries. Default decree of condemnation and destruction. (F. & D. No. 40206. Sample Nos. 46546-C, 46547-C, 46549-C, 46550-C.)

This product contained maggots.

On August 11, 1937, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 6 crates of huckleberries at Buffalo, N. Y., alleging that the article had been shipped in interstate commerce on or about August 5, 1937, in various shipments by Nathan Bogett, Howard Thompson, N. L. Yousan, and T. L. Thompson, from Faison, N. C., and charging adulteration in violation of the Food and Drugs Act.

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

On September 13, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

27811. Misbranding of canned cherries. U. S. v. 99 Cases and 98½ Cases of Cherries. Product released under bond to be relabeled. (F. & D. No. 40208. Sample Nos. 48358-C, 48359-C.)

One lot of this product contained excessive pits, and the can label did not bear the substandard legend. The other lot contained excessive pits and was water-packed, and the cans were unlabeled.