

19627. Misbranding of olive oil. U. S. v. Mallars & Co. Plea of guilty. Fine, \$25 and costs. (F. & D. No. 26684. I. S. No. 26248.)

Sample cans of olive oil taken from the interstate shipment which formed the basis of this action were found to contain less than one-half gallon of the article, the declared volume.

On October 10, 1931, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against Mallars & Co., a corporation, Chicago, Ill., alleging shipment by said company, in violation of the food and drugs act as amended, on or about July 16, 1930, from the State of Illinois into the State of Wisconsin, of a quantity of olive oil that was misbranded. The article was labeled in part: (Can) "Contents ½ Gallon Athlete Brand Pure Olive Oil * * * Mallars & Company, Chicago."

It was alleged in the information that the article was misbranded in that the statement "½ Gallon," borne on the can label, was false and misleading, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser, since the cans contained less than one-half gallon of olive oil. Misbranding was alleged for the further reason that the article 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 January 25, 1932, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25 and costs.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19628. Adulteration of butter. U. S. v. 17 Boxes of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 27829. I. S. No. 22491. S. No. 5786.)

Samples of butter taken from the shipment herein described having been found to contain less than 80 per cent by weight of milk fat, the standard prescribed by Congress, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Washington.

On January 22, 1932, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 17 boxes of butter, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the Enterprise City Creamery, Portland, Oreg., on or about January 18, 1932, and had been transported from the State of Oregon into the State of Washington, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 per cent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 per cent of milk fat as provided by the act of March 4, 1923.

On January 27, 1932, the Enterprise Creamery Co., of Portland, Oreg., and Perry J. Bradley, claimants, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimants upon payment of costs and the execution of a bond in the sum of \$450, conditioned that it should not be sold or otherwise disposed of contrary to the Federal food and drugs act, and all other laws, and further conditioned that it be made to conform to the said food and drugs act under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19629. Adulteration of cabbage. U. S. v. 28 Hampers of Untrimmed Cabbage. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27647. I. S. No. 43102. S. No. 5690.)

Arsenic having been found on cabbage taken from the shipment herein described, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Pennsylvania.

On January 8, 1932, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 28 hampers of untrimmed cabbage, remaining in the original unbroken packages at Philadelphia, Pa., alleging that the article had been shipped by J. F. Gist, Santos, Fla., on or about January 1, 1932, and had been transported from the State of Florida into the State of Pennsylvania, and charging adulteration in violation of the food and drugs act.