

tana, Ohio, Texas, and Georgia, of quantities of canned salmon which was adulterated. The article in certain shipments was unlabeled. The remainder was labeled in part: "Hypatia Brand * * * Salmon * * * Oceanic Sales Co. Seattle, U. S. A. Distributors"; "Ocean Spray Brand * * * Packed for Fishermen's Packing Corporation Everett, Wash."; "Edola Brand Salmon * * * Oceanic Sales Co. Distributors Seattle"; "Seabest Brand Alaska Red Salmon Distributed by R. E. Cotter Co. Seattle Wash."; "Pink Rose Brand * * * Salmon * * * Distributed by F. A. Gosse Company Seattle, Wash."; "Plee-Zing Packed for George W. Simonds Corporation New York City * * * Oceanic Sales Co., Distributors Seattle, U. S. A."; "Plee-Zing Packed for Plee-Zing, Inc., Chicago, Ill. Oceanic Sales Co. Distributors Seattle, U. S. A."; "Blue and White Brand Pink Salmon Red & White Corp'n Distributors * * * Buffalo, N. Y."; "Hypatia Brand * * * Salmon * * * Oceanic Sales Co. Seattle U. S. A. Distributors"; "Alaska Red Sockeye Salmon Oceanic Sales Co. Seattle, U. S. A. Distributors."

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

On November 17, 1934, pleas of guilty to the four informations were entered on behalf of the defendant company. The penalties imposed were a fine of \$300 and costs of count 1 of the case instituted September 17, 1934, and fines of \$300 on each of the other three counts of the same case, the fines on all counts but count 1 to be suspended. A fine of \$300 and costs was imposed in each of the other three cases, the fines to be suspended on condition that the defendant pay costs in all cases, and the \$300 fine imposed on count 1 of the first case.

M. L. WILSON, Acting Secretary of Agriculture.

23882. Misbranding of olive oil and salad oil. U. S. v. Uddo-Taormina Corporation. Plea of guilty. Fine, \$200. (F. & D. no. 32195. Sample nos. 31492-A, 38073-A, 51333-A, 56236-A, 56256-A.)

This case was based on two shipments of olive oil that was short volume, and two shipments of oil consisting principally of cottonseed oil, which was labeled to convey the impression that it was olive oil.

On November 13, 1934, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Uddo-Taormina Corporation, trading at Brooklyn, N. Y., alleging shipment by said company on or about March 23 and March 24, 1933, from the State of New York into the State of Pennsylvania of quantities of salad oil which was misbranded in violation of the Food and Drugs Act; and on or about June 6, and September 11, 1933, from the State of New York into the States of New Jersey and Texas of quantities of olive oil, which was misbranded in violation of said act as amended. A portion of the olive oil was labeled: "Francescani Brand Imported Virgin Olive Oil * * * Contents 1 Gallon." The remainder of the olive oil was labeled: "Pure Olive Oil * * * Progresso Brand * * * Imported by Uddo Taormina Corp. Italy Net Contents One Gallon." The salad oil was labeled in part: "Vegetable Oil Extra Fine Mixture Pure Olive Oil Oliva Brand Pure Olive Oil Twenty Per Cent Best Quality of Vegetable Oil Eighty Per Cent Excellent Flavor and Color Added * * * Superfine Olive and Salad Oil."

The olive oil was alleged to be misbranded in that the statements, "Contents One Gallon" or "Net Contents One Gallon", borne on the cans were false and misleading, and for the further reason that it was labeled so as to deceive and mislead the purchaser, since each of a large number of the cans examined contained less than 1 gallon. Misbranding of the olive oil was alleged 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. Misbranding of the salad oil was alleged for the reason that the statements "Pure Olive Oil" and "Vegetable Oil" in large conspicuous type, the same statements in the Italian language also in large conspicuous type, the brand name of the article, "Oliva", and the conspicuous statement "Olio Sopraffino" together with a design of olive branches borne on the label, were false and misleading and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since the said statements and design represented that the article was pure olive oil; whereas it was not pure olive oil, but was an article consisting almost wholly of cottonseed oil, and the name of said predominant ingredient was not borne on the container. Misbranding of the salad oil was alleged for the

further reason that an article consisting almost wholly of cottonseed oil had been offered for sale under the distinctive name of another article, olive oil.

On December 5, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$200.

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

23883. Adulteration of butter. U. S. v. Farmers Mutual Cooperative Creamery Assoc. Plea of guilty. Fine, \$25 and costs. (F. & D. no. 32199. Sample no. 40390-A.)

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

On October 13, 1934, the United States attorney for the Northern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Farmers Mutual Cooperative Creamery Association, a corporation, Orange City, Iowa, alleging shipment by said company in violation of the Food and Drugs Act, on or about September 14, 1933, from the State of Iowa into the State of Illinois, of a quantity of butter that 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 must contain not less than 80 percent by weight of milk fat as required by the act of Congress of March 4, 1923, which the article purported to be.

On October 23, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$25 and costs.

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

23884. Misbranding of dairy feed. U. S. v. Frederick A. Hespenheide and John F. Thompson (Hespenheide & Thompson). Pleas of guilty. Fines, \$75. (F. & D. no. 32210. Sample nos. 14149-A, 14150-A, 68553-A.)

This case was based on interstate shipments of dairy feed. Samples taken from the various lots were found to contain less protein than declared on the label; two of the lots contained less fat than so declared, and one lot contained no soybean oil meal, one of the ingredients listed.

On July 9, 1934, the United States attorney for the Middle District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Frederick A. Hespenheide and John F. Thompson, copartners, trading as Hespenheide & Thompson, York, Pa., alleging shipment by said defendants, in violation of the Food and Drugs Act, on or about November 9 and November 21, 1933, from the State of Pennsylvania into the State of Maryland of quantities of dairy feed which was misbranded. Two lots of the article were labeled: "Premier 32% Farm Mixing Feed Ingredients * * * Soybean Oil Meal * * * Analysis Min. Protein 32%." One lot was labeled in part: "Premier 24 Dairy Feed Sweet * * * Analysis 24% Protein 4½% Fat * * * Manufactured by Hespenheide & Thompson York, Pa."

The article was alleged to be misbranded in that the statement on the labels, viz, "32% * * * Ingredients * * * Soybean Oil Meal * * * Analysis Min. Protein 32%", with respect to one lot, "32% * * * Analysis Min. Protein 32% Min. Fat 4½%" with respect to one lot, and "24 * * * Analysis 24% Protein 4½% Fat" with respect to the third lot, were false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since all lots contained less protein than declared on the label, two of the lots contained less fat than declared, and one of the lots contained no soybean oil meal, one of the declared ingredients.

On December 10, 1934, the defendants entered pleas of guilty, and the court imposed fines in the total amount of \$75.

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

23885. Adulteration of butter. U. S. v. Sardis Creamery Co. Plea of guilty. Fine, \$50. (F. & D. no. 32214. Sample no. 51911-A.)

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

On July 16, 1934, the United States attorney for the Northern District of Mississippi, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Sardis Creamery Co., a corporation, Sardis, Miss., alleging shipment by said company in violation of the Food and