

Cotton Oil Company, of Dallas \* \* \* Guaranteed Analysis Crude Protein, not less than 43.00 Per Cent."

The article was alleged to be misbranded in that the statements, "43.00 Per Cent Protein" and "Guaranteed Analysis Crude Protein, not less than 43.00 Per Cent", borne on the tags, were false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since it contained less than 43 percent of protein.

On February 1, 1935, the defendant company through counsel confessed judgment and the court imposed a fine of \$100.

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

**24244. Adulteration and misbranding of olive oil. U. S. v. Costa Deocharis, Theodoris S. Doris, and Costas Theodoris (Italian-Greek Importing Co.). Pleas of nolo contendere. Costas Theodoris fined \$25; sentence suspended as to remaining defendants. (F. & D. no. 33845. Sample nos. 68759-A, 68760-A.)**

This case was based on an interstate shipment of a product consisting of a mixture of domestic cottonseed oil and olive oil which was represented to be pure imported olive oil.

On November 16, 1934, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Costa Deocharis, Theodoris S. Doris, and Costas Theodoris, a partnership trading as the Italian-Greek Importing Co., Philadelphia, Pa., alleging shipment by said defendants in violation of the Food and Drugs Act, on or about April 2, 1934, from the State of Pennsylvania into the State of New Jersey of a quantity of olive oil which was adulterated and misbranded. The article was labeled in part: "Imported From Italy. Imported Olio Puro D'Oлива Extra Fino."

The article was alleged to be adulterated in that a substance, namely, domestic cottonseed oil had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality, and in that a product consisting largely of domestic cottonseed oil had been substituted for pure olive oil, which the article purported to be.

Misbranding was alleged for the reason that the statements, "Imported from Italy", "Imported Olio Puro D'Oлива Extra Fino Marca La Patria Lucca", and the statements in both English and Italian "This pure olive oil branded La Patria is preferred everywhere. It is digestive and of exquisite taste. It is the best for condiments. Doctors Prescribe It For Medicinal Purposes because it is made entirely from selected ripe olives", together with designs of olive branches bearing olives and pictures of a crowned queen, shield, and crown, borne on the can labels, were false and misleading and for the further reason that the article was labeled so as to deceive and mislead the purchaser since it was not pure olive oil imported from Italy and was not made entirely from selected ripe olives but was a product composed largely of domestic cottonseed oil. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article, namely, olive oil.

On January 23, 1935, the defendant, Costas Deocharis, entered a plea of nolo contendere and the court imposed a fine of \$25. On June 17, 1935, pleas of nolo contendere were entered by defendants Theodoris S. Doris and Costa Theodoris and sentence was suspended as to said defendants.

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

**24245. Misbranding of salad oil. U. S. v. C. F. Simonin's Sons, Inc. Plea of nolo contendere. Judgment of guilty. Sentence suspended. (F. & D. no. 33856. Sample no. 52130-A.)**

This case was based on interstate shipments of salad oil which was short volume.

On November 21, 1934, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court an information against C. F. Simonin's Sons, Inc., trading at Philadelphia, Pa., alleging shipment by said company in violation of the Food and Drugs Act as amended, on or about November 14, 1933, from the State of Pennsylvania into the State of New Jersey, of a quantity of salad oil that was misbranded. The article was labeled in part: "Olio Cameo Brand \* \* \* Contents One Gallon."

The article was alleged to be misbranded in that the statement, "Contents One Gallon", borne on the can label, was 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 of the article. 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 29, 1935, a plea of nolo contendere was entered and the defendant was found guilty. Sentence was suspended and the defendant was placed on 30 days' probation.

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

**24246. Adulteration of cabbage. U. S. v. Charles E. Gibson, Inc. Plea of guilty. Fine, \$10. (F. & D. no. 33861. Sample nos. 62487-A, 62489-A.)**

Examination of the cabbage involved in this case showed the presence of arsenic and lead in amounts that might have rendered it injurious to health.

On November 24, 1934, the United States attorney for the Eastern District of South Carolina, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Charles E. Gibson, Inc., Meggett, S. C., alleging shipment by said company in violation of the Food and Drugs Act, on or about May 16, 1934, from the State of South Carolina into the State of Maryland, of quantities of cabbage which was adulterated. The article was labeled in part: "Gibson Brand Grown and Packed by Chas. M. Gibson Co. Meggett, S. C."

The article was alleged to be adulterated in that it contained added poisonous and deleterious ingredients, namely, arsenic and lead, in an amount which might have rendered it injurious to health.

On January 23, 1935, a plea of guilty was entered on behalf of the defendant company and the court imposed a fine of \$10.

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

**24247. Adulteration and misbranding of butter. U. S. v. Bridgeman-Russell Co. Plea of guilty. Fine, \$50. (F. & D. no. 33862. Sample nos. 68224-A, 68238-A.)**

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

On December 4, 1934, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Bridgeman-Russell Co., a corporation, Duluth, Minn., alleging shipment by said company in violation of the Food and Drugs Act, on or about March 7 and March 14, 1934, from the State of Minnesota into the State of Rhode Island, of quantities of butter which was adulterated and misbranded. The article was labeled in part: (Case) "Ferncrest \* \* \* Creamery Butter Cooper & Sisson Inc. Providence, R. I."; (carton) "Ferncrest Creamery \* \* \* Butter."

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.

Misbranding was alleged for the reason that the statement "butter", borne on the case and carton, was false and misleading, and for the further reason that it was labeled so as to deceive and mislead the purchaser since the said statement represented that the article was butter, a product containing not less than 80 percent by weight of milk fat; whereas it was not butter since it contained less than 80 percent by weight of milk fat.

On December 4, 1934, a plea of guilty was entered on behalf of the defendant company and the court imposed a fine of \$50.

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

**24248. Adulteration and misbranding of chocolate dates and pine patties. U. S. v. S. Fisher & Co. Plea of guilty. Fine, \$100. (F. & D. no. 33864. Sample nos. 51690-A, 67606-A, 67607-A, 67608-A, 67623-A, 68887-A.)**

This case was based on interstate shipments of products which were represented to be chocolate-covered dates and chocolate-covered pineapple, respectively. Examination showed that the chocolate covering of both products contained excessive cocoa shells, and that the product represented to be chocolate-covered pineapple consisted of chocolate-covered pineapple cores.

On December 10, 1934, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the