

29080. Adulteration of butter. U. S. v. 15 Tubs of Butter. Consent decree of condemnation. Product released under bond to be reworked. (F. & D. No. 42425. Sample No. 21736-D.)

This product contained less than 80 percent of milk fat.

On April 27, 1938, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 15 tubs of butter at Chicago, Ill.; alleging that the article had been shipped in interstate commerce on or about April 11, 1938, by Rock Falls Cooperative Creamery Co. from Rock Falls, Wis.; 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 as provided by act of March 4, 1923.

On May 6, 1938, Leserman Bros., Chicago, 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 to the legal standard.

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

29081. Adulteration of fig paste and orange paste with cocoanut. U. S. v. 1 Tin of Fig Paste and 1 Tin of Orange Paste containing chopped cocoanut. Default decree of condemnation and destruction. (F. & D. No. 42103. Sample Nos. 12505-D, 12507-D.)

These products were infested with insects and contained rodent hairs.

On April 1, 1938, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of one tin each of the above-described products at Bloomfield, N. J.; alleging that the articles had been shipped in interstate commerce on or about October 4, 1937, from Brooklyn, N. Y., by the Orange Products Co.; and charging adulteration in violation of the Food and Drugs Act. The articles were labeled in part: "Orange Products Co. * * * Brooklyn, N. Y., * * * Fig Fillings [or "Cocoanut"]."

They were alleged to be adulterated in that they consisted in whole or in part of filthy vegetable substances.

On May 12, 1938, no claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

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

29082. Misbranding of peanut butter. U. S. v. 21 Cases of Peanut Butter. Default decree of condemnation and destruction. (F. & D. No. 42235. Sample No. 16371-D.)

This product was short weight.

On April 23, 1938, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 21 cases of peanut butter at New Orleans, La.; alleging that the article had been shipped in interstate commerce on or about March 11, 1938, from Dothan, Ala., by Dothan Oil Mill Co.; and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Domco Fine Quality Peanut Butter Made by Dothan Oil Mill Co., Dothan, Ala."

It was alleged to be misbranded in that the statement on the label, "Net Wt. 16 Ozs.," was false and misleading and tended to deceive and mislead the purchaser when applied to an article that was short weight; and that it was food in package form and the quantity of contents was not plainly and conspicuously marked on the outside of the package, since the quantity stated was not correct and was not declared in terms of the largest unit contained in the package.

On May 24, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

29083. Adulteration of Emulsol-M (frozen eggs). U. S. v. Rothenberg & Schneider Bros., Inc. Plea of nolo contendere. Fine, \$35 and costs. (F. & D. No. 40775. Sample No. 8858-C.)

Samples of this product were found to be decomposed.

On February 23, 1938, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the

district court an information against Rothenberg & Schneider Bros., Inc., alleging that on or about July 2 and July 7, 1936, the defendant sold and delivered to the Emulsol Corporation, Chicago, Ill., quantities of Emulsol-M under a guaranty that the product complied with the Federal Food and Drugs Act; that on or about January 19, 1937, a quantity of the said article, in the identical condition as when so sold and guaranteed, was shipped in interstate commerce by the Emulsol Corporation from the State of Illinois into the State of New York; and that the article was adulterated in violation of the Food and Drugs Act. It was labeled in part: "Emulsol-M * * * The Emulsol Corporation * * * Chicago, Ill."

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

On April 11, 1938, a plea of nolo contendere was entered on behalf of the defendant and the court imposed a fine of \$35 and costs.

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

29084. Adulteration and misbranding of pineapple butter; misbranding of loganberry, lemon, fig, and prune butter. U. S. v. 10 Cases of Pineapple Butter, et al. Default decree of condemnation and destruction. (F. & D. Nos. 42112 to 42116, incl. Sample Nos. 12821-D to 12825-D, incl.)

All of these products were short of the declared weight, and the pineapple butter was in an active state of fermentation.

On April 4, 1938, 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 36 cases, each containing 24 jars, and 21 dozen jars of fruit butter at New York, N. Y.; alleging that the articles had been shipped in interstate commerce in part on or about January 7, 1938, by the Coast Fishing Co., and in part on or about February 27, 1938, by the American Shippers Association from Los Angeles, Calif.; and charging adulteration and misbranding of the pineapple butter, and misbranding of the other products in violation of the Food and Drugs Act as amended. The articles were labeled variously in part as follows: "Golden Flow Brand Pure Pineapple [or "Loganberry," "Lemon," "Fig," or "Prune"] Butter Pure Foods Corporation Los Angeles, Calif. Net Contents 6 Oz."

All products were alleged to be misbranded in that the statement "Net Contents 6 Oz." was false and misleading and tended to deceive and mislead the purchaser when applied to products which were short weight; and in that they were food in package form and the quantity of contents was not plainly and conspicuously marked on the outside of the packages since the quantity stated was not correct.

The pineapple butter was alleged to be adulterated in that it consisted in whole or in part of a decomposed vegetable substance.

On May 26, 1938, no claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

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

29085. Adulteration and misbranding of olive oil. U. S. v. 351 Cans of Alleged Olive Oil. Default decree of condemnation. Product ordered delivered to a charitable institution. (F. & D. Nos. 40960, 40961, 40962. Sample Nos. 56827-C, 56828-C, 56829-C.)

This product was labeled to represent that it was pure imported olive oil, whereas it was artificially flavored and colored cottonseed oil.

On December 4, 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 351 cans of alleged olive oil at New York, N. Y.; alleging that on or about November 17, 1937, F. Alfano, of New York, N. Y., delivered the article for transportation in interstate commerce to Philadelphia, Pa.; and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part, "Giolosa Brand" or "Superfine Brand."

It was alleged to be adulterated in that a substance other than olive oil had been substituted for the said article.

Misbranding was alleged in that the following statements and designs appearing on the labels of the several lots were false and misleading and tended to deceive and mislead the purchaser when applied to an artificially colored and flavored domestic cottonseed oil and when applied to an article that purported to be a foreign product: (One lot) "Imported Product Pure Olive Oil [design of olive branches bearing olives] Prodotto Importato Olio D'Oliva Puro Marca