

an information against Caruso, Inc., trading at Washington, D. C., and Dominick Antonelli, secretary-treasurer of said corporation, alleging sale in the District of Columbia by said defendants in violation of the Food and Drugs Act on or about June 18, 1937, of quantities of so-called olive oil which was adulterated and misbranded.

The article was alleged to be adulterated in that an edible oil other than olive oil had been added to and mixed and packed with the article so as to reduce, lower, and injuriously affect its quality and strength; and in that such other edible oil had been substituted in part for olive oil, which the article purported to be.

Misbranding was alleged in that the article was offered for sale under the distinctive name of, and was guaranteed to be, pure olive oil; whereas it was not pure olive oil but consisted chiefly of other edible oil. Misbranding was alleged further in that the following statements and designs appearing on the label were false and misleading and were borne on the label so as to deceive and mislead the purchaser since they represented that the article was pure olive oil produced in, and imported from, a foreign country, Italy; whereas it was not as represented but consisted in part of other edible oil: "Olio di Oliva Vergine [design of olive branch and olives] Lucca * * * Prodotto Italiano Olio d'Oliva"; "This Olive Oil is Guaranteed Pure Olio d'Oliva"; "Questo Olio E Garantito di Puro Oliva Olio d'Oliva [design of olive tree]"; "Imported from Italy."

On October 7, 1938, pleas of guilty having been entered on behalf of both defendants, the court imposed fines of \$50 against the corporation and \$50 against Antonelli. All fines were suspended and personal recognizance taken, except as to \$25 of the fine against Antonelli.

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

30574. Misbranding of canned mackerel. U. S. v. Coast Fishing Co. Plea of guilty. Fine, \$50. (F. & D. No. 42670. Sample Nos. 19189-D, 20303-D, 20309-D, 20310-D, 20324-D, 20325-D.)

This product was short of the declared weight.

On March 21, 1939, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Coast Fishing Co., a corporation, Wilmington, Calif., alleging shipment by said corporation in violation of the Food and Drugs Act as amended, within the period from on or about August 29, 1938, to on or about September 16, 1938, from the State of California into the States of Washington, Florida, and Pennsylvania, of quantities of canned mackerel which was misbranded. The article was labeled in part: (Can) "King Solomon Brand Fancy Mackerel Contents 1 lb."

It was alleged to be misbranded in that the statement "Contents 1 lb." borne on the cans, was false and misleading and was borne on the said cans so as to deceive and mislead the purchaser, since the cans contained less than the amount stated. Misbranding was alleged further in 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.

On April 10, 1939, a plea of guilty was entered on behalf of the defendant and on April 12, 1939, the court imposed a fine of \$50.

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

30575. Adulteration and misbranding of butter. U. S. v. 54 Cubes of Butter (and 3 similar seizure actions). Decrees of condemnation. Product ordered released under bond. (F. & D. Nos. 45281, 45433, 45460, 45501. Sample Nos. 43309-D, 43788-D, 56060-D, 56145-D, 56148-D, 56154-D.)

This product contained less than 80 percent of milk fat.

On April 25, May 16 and 25, and June 6, 1939, the United States attorney for the Northern District of California, acting upon reports by the Secretary of Agriculture, filed in the district court four libels praying seizure and condemnation of 281 cubes of butter at San Francisco, Calif.; alleging that the article had been shipped in interstate commerce on or about April 11 and 24, and May 16 and 27, 1939, by Midwest Dairies, Inc., from Portales, N. Mex.; and charging adulteration and misbranding in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that a product which contained 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.

Three of the four shipments were alleged to be misbranded in that the label "Butter" was false and misleading, since the article contained less than 80 percent of milk fat.

On May 19 and June 8 and 14, 1939, Midwest Dairies, Inc., Portales, N. Mex., and Wilsey Bennett, San Francisco, Calif., having appeared as claimants for respective portions of the article, judgments of condemnation were entered, and the product was ordered released under bond conditioned that it be brought up to the legal standard under the supervision of this Department.

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

30576. Adulteration of frozen eggs. U. S. v. 155 Cans of Frozen Whole Eggs. Consent decree of condemnation. Product ordered released under bond for segregation and destruction of unfit portion. (F. & D. No. 45295. Sample No. 62412-D.)

Samples of this product were found to be decomposed and to contain miscellaneous filth, bits of meat, and excreta.

On May 10, 1939, 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 155 cans of frozen whole eggs at New Orleans, La.; alleging that the article had been shipped in interstate commerce on or about April 18, 1939, from Cuero, Tex., by Cudahy Packing Co. of Louisiana, Ltd., of New Orleans, La.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Cudahy's Frozen Sunlight Eggs."

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

On May 27, 1939, the Cudahy Packing Co. of La., Ltd., claimant, having admitted the allegations of the libel, judgment of condemnation was entered, and the product was ordered released under bond conditioned that the good be segregated from the bad under supervision of this Department, and that the bad be destroyed.

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

30577. Adulteration of butter. U. S. v. 13 Cubes of Butter. Consent decree of condemnation. Product released under bond. (F. & D. No. 45343. Sample Nos. 56142-D, 56143-D.)

This product contained less than 80 percent of milk fat.

On May 3, 1939, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 13 cubes of butter at Oakland, Calif.; alleging that the article had been shipped in interstate commerce on or about April 24, 1939, from Mount Angel, Oreg., by Mount Angel Cooperative Creamery; 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 May 19, 1939, the Lucerne Cream & Butter Co., Oakland, Calif., having appeared as claimant, judgment of condemnation was entered, and the product was ordered released under bond conditioned that it should not be disposed of until brought into compliance with the law.

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

30578. Adulteration of frozen shrimp. U. S. v. 193 Bags of Frozen Shrimp. Default decree of condemnation and destruction. (F. & D. No. 45275. Sample No. 60723-D.)

This product had been shipped in interstate commerce and remained unsold and in the original packages. At the time of examination it was found to be in part decomposed.

On May 5, 1939, 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 193 bags of frozen shrimp at New York, N. Y.; alleging that the article had been shipped on or about September 10, 14, and 15, 1938, by the Cartaret Fish Co., from Beaufort, 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 decomposed animal substance.