

Analyses of samples of the article by the Bureau of Chemistry of this department showed that the said samples averaged 16.25 per cent, 16.44 per cent, and 15.86 per cent, respectively, of moisture and 79.17 per cent, 78.96 per cent, and 79.93 per cent, respectively, of milk fat.

Adulteration of the article was charged in the information for the reason that a product deficient in milk fat and containing an excessive amount of moisture had been substituted for butter, which the said article purported to be, and for the further reason that a product which contained 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 prescribed by the act of March 4, 1923.

Misbranding of the portion of the product contained in packages was charged for the reason that the statement, to wit, "Pure Creamery Butter," borne on the said packages, was false and misleading, in that the said statement represented that the article consisted wholly of pure creamery butter, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it consisted wholly of pure creamery butter, whereas it did not so consist but did consist of a product deficient in milk fat and containing an excessive amount of moisture. Misbranding of the said portion of the product was charged for the reason that the statement, to wit, "Butter," borne on the packages, was false and misleading in that it represented that the article was butter, to wit, a product which should contain not less than 80 per cent by weight of milk fat, as prescribed by the act of March 4, 1923, whereas it was a product which did not contain 80 per cent by weight of milk fat but did contain a less amount.

On June 2, 1925, the defendants entered pleas of guilty to the indictment, and the court imposed a fine of \$300 and costs.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13503. Adulteration and misbranding of olive oil and misbranding of salad oil. U. S. v. Nathan Yohalem and Joseph Diamond (Yohalem & Diamond). Pleas of guilty. Fine, \$100. (F. & D. No. 16957. I. S. Nos. 6412-t, 6413-t, 6414-t, 6611-t, 6612-t, 6613-t, 6684-t, 6685-t, 6686-t, 8074-t, 8075-t, 8100-t.)

On March 21, 1923, 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 of the United States for said district an information against Nathan Yohalem and Joseph Diamond, copartners, trading as Yohalem & Diamond, New York, N. Y., alleging shipment by said defendants, in violation of the food and drugs act, in various consignments, namely, on or about April 21, 1921, from the State of New York into the State of New Jersey, on or about May 10 and 23, 1921, respectively, from the State of New York into the State of Connecticut, and on or about May 21, 1921, from the State of New York into the State of Pennsylvania, of quantities of olive oil which was adulterated and misbranded, and on or about May 21, 1921, from the State of New York into the State of Pennsylvania, of a quantity of salad oil which was misbranded. The olive oil was labeled in part: (Can) "Olio Puro D'Oliwa * * * Pure Olive Oil White Star Brand Net Contents One Half Gallon" (or "Net Contents One Full Gallon" or "Net Contents One Full Quart" or "Net Contents One Quarter Gallon" or "Net Contents One Eighth Gallon"). Respective portions of the said olive oil were further labeled "White Star Olive Oil Co. Lucca, Italy. N. Y. U. S. A. Y. D." or "Yohalem & Diamond Importers & Packers Lucca, Italy & N. Y.," as the case might be. The salad oil was labeled in part: (Can) "La Tosca Brand Winter Pressed Cotton Salad Oil Flavored With High Grade Genuine Olive Oil. A Compound Net Contents 1 Gallon."

Analyses of samples of the olive oil by the Bureau of Chemistry of this department showed that the said samples contained cottonseed oil. Examination of said olive oil showed that the gallon and half-gallon cans contained less than declared. Analysis of a sample of the salad oil showed that it consisted chiefly, if not entirely, of cottonseed oil. Examination of said salad oil showed that the cans contained less than 1 gallon of the product.

Adulteration of the olive oil was alleged in the information for the reason that cottonseed oil had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and strength and had been substituted in whole or in part for olive oil, which the said article purported to be.

Misbranding of the said olive oil was alleged for the reason that the statements, to wit, "Pure Olive Oil," "Olio Puro D'Oliiva," and "Lucca, Italy," borne on the cans containing the article, and the statements "Net Contents One Half Gallon" or "Net Contents One Full Gallon," as the case might be, borne on the cans containing a portion of the said article, were false and misleading, in that they represented that the article was olive oil, that it was a foreign product, to wit, a product produced in Lucca, Italy, and that the cans containing the said portion contained 1 gallon or one-half gallon of the article, as the case might be, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was olive oil, that it was a foreign product, and that the cans containing the said portion contained 1 gallon or one-half gallon of the article, as the case might be, whereas it was not olive oil but was a product composed in whole or in part of cottonseed oil, it was not a foreign product but was a domestic product produced in the United States of America, and the cans containing the said portion contained less of the product than declared on the labels. Misbranding was alleged for the further reason that it was a product composed in whole or in part of cottonseed oil prepared in imitation of and offered for sale under the distinctive name of another article, to wit, olive oil, and for the further reason that the statements borne on the labels purported the article to be a foreign product when not so.

Misbranding of the salad oil was alleged for the reason that the statements, to wit, "Flavored With High Grade Genuine Olive Oil" and "Net Contents 1 Gallon," borne on the cans containing the article, were false and misleading, in that they represented that the article was a product flavored with high grade genuine olive oil, and that each of the said cans contained 1 gallon net thereof, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was a product flavored with high grade genuine olive oil, and that each of the said cans contained 1 gallon net thereof, whereas it was not a product flavored with high grade genuine olive oil but was a product which contained no flavor of olive oil, and each of said cans did not contain 1 gallon net of the article but did contain a less amount.

Misbranding was alleged with respect to both products for the further reason that they were food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages.

On June 15, 1925, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$100.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13504. Adulteration of chestnuts. U. S. v. 38 Barrels of Chestnuts. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 19421. I. S. No. 4902-v. S. No. C-4597.)

On December 23, 1924, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 38 barrels of chestnuts, remaining in the original unbroken packages at Youngstown, Ohio, alleging that the article had been shipped by the Italian Importing Co., New York, N. Y., on or about October 22, 1924, and transported from the State of New York into the State of Ohio, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On May 2, 1925, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13505. Adulteration and misbranding of canned tuna. U. S. v. 9 Cases of Tuna. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 19931. I. S. No. 14381-v. S. No. E-5198.)

On March 28, 1925, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 9 cases of tuna, remaining in the original unbroken packages