

Misbranding was alleged for the reason that the article was labeled so as to deceive and mislead the purchaser, i. e., it was labeled as pure olive oil, whereas 5 per cent by volume thereof consisted of a substituted substance known as cottonseed oil.

On November 9, 1929, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$500.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17042. Adulteration and misbranding of olive oil. U. S. v. 72 Cans of Olive Oil. Default decree of condemnation, forfeiture, and sale. (F. & D. No. 24004. I. S. No. 018483. S. No. 2275.)

On September 19, 1929, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 72 cans of olive oil, remaining in the original packages at Denver, Colo., consigned by S. Savona, New York, N. Y., alleging that the article had been shipped from New York, N. Y., on or about August 23, 1929, and transported from the State of New York into the State of Colorado, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Superfine Olive Oil Imported Italia Brand Lucca Italia Net Contents One Gallon."

It was alleged in the libel that the article was adulterated in that a substance, to wit, cottonseed oil, had been mixed and packed with and substituted in part for the said article.

Misbranding was alleged for the reason that the statements, "Superfine Olive Oil Imported Italia Brand Lucca Italia Net Contents One Gallon," were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article, and for the further reason that it was food in package form and failed to bear a plain and conspicuous statement of the quantity of the contents, since the statement made was incorrect.

On December 17, 1929, 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 relabeled under the direction of this department, and sold by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17043. Adulteration and misbranding of butter. U. S. v. 5 Cases of Creamery Butter. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 22808. I. S. No. 21590-x. S. No. 774.)

On April 13, 1928, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 5 cases of butter, remaining in the original unbroken packages at Jacksonville, Fla., alleging that the article had been shipped by the Suwannee River Creamery from Valdosta, Ga., April 9, 1928, and transported from the State of Georgia into the State of Florida, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Carton) "Suwannee River Butter Suwannee River Creamery, Valdosta, Ga. One Pound Net."

It was alleged in the libel that the article was adulterated in that a product deficient in milk fat had been substituted for butter, which the said article purported to be. Adulteration was alleged 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 by weight of milk fat, as prescribed by the act of March 4, 1923, which the article purported to be.

Misbranding was alleged for the reason that the statement, to wit, "Butter," borne on the packages containing the article, was false and misleading and tended to deceive and mislead the purchaser, in that the said statement represented that the article consisted wholly of butter, a product which should contain not less than 80 per cent by weight of milk fat, as prescribed by law, whereas it contained less than 80 per cent by weight of milk fat. Misbranding was alleged for the further reason that the article was in package form and did not bear a statement of the quantity of contents plainly and conspicuously marked on the outside of the package, since the statement "One Pound" was not correct as the packages contained less than 1 pound.