

pharmacopœia official at the time of investigation, since it was sold as olive oil and was composed in large part of cottonseed oil; and its own standard of strength, quality, and purity was not plainly stated on the cases and cans containing the article.

Misbranding was alleged for the reason that the statement "Olive Oil," borne on the cases, and the statements in Italian translated into English, "Extra fine oil for table and medicinal use—Roma * * * This Roma is packed by the same firm that packs Iberia, and which imports the famous olive oil from Porto Maurizia, Italy," together with the pictorial design of the Colosseum at Rome, and the statements in English, "Net Contents One Quart," "Net Contents Half-Gallon," and "Net Contents One Gallon," borne on the can labels, were false and misleading; and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser, since the said statements and design represented that the article was olive oil, that it was an imported foreign product and that the cans contained 1 quart, one-half gallon, or 1 gallon of the said article, whereas it was not olive oil, it was not an imported foreign product, and each of a number of the cans from each size contained less than labeled. Misbranding was alleged for the further reason that the article was an imitation of another article, to wit, olive oil, and in that it was offered for sale under the distinctive name of another article, to wit, olive oil. 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 packages, since each of a number of the cans of each size contained less than labeled.

On April 23, 1932, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$200 and costs.

HENRY A. WALLACE, *Secretary of Agriculture.*

19713. Adulteration of dried figs and dried peaches. U. S. v. Glanzer Bros., a Corporation. Plea of guilty. Fine, \$60. (F. & D. No. 26657. I. S. Nos. 9633, 11612, 11613.)

This action involved the interstate shipment of quantities of dried figs and dried peaches, samples of which were found to be insect-infested, decayed, dirty, moldy, or sour.

On April 4, 1932, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against Glanzer Bros., a corporation, San Francisco, Calif., alleging shipment by said company, in violation of the food and drugs act, on or about November 1, 1930, from the State of California into the State of New York, of quantities of dried figs and dried peaches that were adulterated. The articles were labeled in part: "Fancy Mission Black Figs G. B. N. Y.;" "Ex. Fancy Calimyrna G. B. N. Y.;" "Staghound Extra Fancy Muir Peaches."

It was alleged in the information that the articles were adulterated in that they consisted in part of filthy and decomposed vegetable substances.

On April 13, 1932, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$60.

HENRY A. WALLACE, *Secretary of Agriculture.*

19714. Misbranding of butter. U. S. v. Swift & Co., a Corporation. Plea of nolo contendere. Fine, \$100 and costs. (F. & D. No. 26530. I. S. No. 6308.)

This action involved the interstate shipment of a quantity of butter, sample packages of which were found upon examination to contain less than 1 pound, the declared weight.

On October 14, 1931, the United States attorney for the Northern District of Mississippi, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against Swift & Co., a corporation, trading at West Point, Miss., alleging shipment by said company, in violation of the food and drugs act as amended, on or about July 8, 1930, from the State of Mississippi into the State of Louisiana, of a quantity of butter that was misbranded. The article was labeled in part: "Swift's Premium Quality Brookfield Pasteurized Creamery Butter * * * 1 Lb. Net Weight Distributed by Swift & Company U. S. A."

It was alleged in the information that the article was misbranded in that the statement "1 Lb. Net Weight" was false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser,

since the packages did not contain 1 pound net weight but did contain a less amount. 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 April 5, 1932, a plea of nolo contendere to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100 and costs.

HENRY A. WALLACE, *Secretary of Agriculture.*

19715. Misbranding of peanut meal. U. S. v. Camilla Cotton Oil Co. Plea of guilty. Fine, \$25. (F. & D. No. 26541. I. S. No. 18566.)

This action was based on the interstate shipment of a quantity of peanut meal that contained less protein and more fiber than declared on the label.

On January 30, 1932, the United States attorney for the Middle District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against the Camilla Cotton Oil Co., a corporation, Camilla, Ga., alleging shipment by said company, in violation of the food and drugs act, on or about February 11, 1931, from the State of Georgia into the State of Maryland, of a quantity of peanut meal that was misbranded. The article was labeled in part: (Tag) "High Grade Peanut Meal * * * Protein, minimum 45% * * * Fibre, not over 10%."

It was alleged in the information that the article was misbranded in that the statements "Protein, minimum 45% * * * Fibre, not over 10%," appearing on the label, were false and misleading, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser, since it contained less than 45 per cent of protein, approximately 42.01 per cent of protein, and more than 10 per cent of fiber, approximately 13.2 per cent of fiber.

On April 4, 1932, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25.

HENRY A. WALLACE, *Secretary of Agriculture.*

19716. Adulteration of celery. U. S. v. 69 Crates of Celery. Decree of condemnation and forfeiture, containing provision for release under bond. Product ultimately destroyed. (F. & D. No. 27974, I. S. No. 43172. S. No. 6004.)

Arsenic and lead having been found on celery taken from the shipment involved in this action, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Pennsylvania.

On March 22, 1932, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 69 crates of celery, remaining in the original unbroken packages at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about March 17, 1932, by the Sanford-Oviedo Truck Growers (Inc.), from Sanford, Fla., to Philadelphia, Pa., and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it injurious to health.

On March 22, 1932, J. P. Wilson, Philadelphia, Pa., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered. The decree, however, provided that the goods might be released to the claimant for reconditioning under the supervision of this department upon the filing of a bond conditioned according to law. The product after washing was still found to bear excessive amounts of arsenic and lead and, therefore, was destroyed.

HENRY A. WALLACE, *Secretary of Agriculture.*

19717. Misbranding of butter. U. S. v. 106 Cases of Butter. Consent decree of condemnation and forfeiture. Product released under bond for reworking. (F. & D. No. 28000. I. S. Nos. 50758, 50765. S. No. 5928.)

Samples of butter from the shipment herein described having been found to be short weight, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Illinois.