

in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which must contain not less than 80 percent by weight of milk fat as required by the act of Congress of March 4, 1923, which the article purported to be.

On October 25, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$75 and costs.

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

23043. Adulteration and misbranding of olive oil. U. S. v. Leonard Giacovelli (Bari Importing Co.). Judgment of guilty. Sentence, 30 days in jail. (F. & D. no. 32876. Sample no. 31486-A.)

This case was based on a shipment of alleged olive oil which was found to consist chiefly of domestic cottonseed oil. Sample cans taken from the shipment were found to contain less than 1 gallon, the volume declared on the label.

On October 30, 1934, the United States attorney for the Northern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Leonard Giacovelli, trading as the Bari Importing Co., Cortland, N. Y., alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about March 20, 1933, from the State of New York into the State of Pennsylvania, of a quantity of alleged olive oil which was adulterated and misbranded. The article was labeled in part: "Madonna Brand Olio Puro D'Oлива Finissimo * * * Madonna Imp. Co., New York."

The article was alleged to be adulterated in that cottonseed oil had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, and had been substituted practically wholly for olive oil, which the article purported to be.

Misbranding was alleged for the reason that the statements in Italian and English, "Olio Puro D'Oлива Finissimo Prodotto Garentito Quest' Olio Di Olive E Assolutamente Puro E Insuperabile Per uno di cucina e Medicinale. Noi garantiamo la sua Purezza Sotto Qualsiasi Analisi Chimica—This Olive Oil is Absolutely Pure, and is Unexcelled for Table and Medicinal use. We Guarantee its Purity Under Any Chemical Analysis. Extra 1 * * * Madonna Imp. Co. New York", together with designs of olives and olive branches, and the statement "Net Contents One Gallon", borne on the cans, were false and misleading and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser, in that the said statements and designs represented that the article consisted solely of pure olive oil, that it was imported from a foreign country by the Madonna Importing Co., of New York, N. Y., and that the cans each contained 1 gallon; whereas it was principally domestic cottonseed oil and the cans contained less than 1 gallon. Misbranding was alleged for the further reason that the article was an imitation of another article, namely, olive oil, and was offered for sale under the distinctive name of another article, olive oil.

On October 30, 1934, the defendant was arraigned, and was adjudged guilty and sentenced to 30 days in jail on each of the two counts, the sentences to run concurrently.

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

23044. Adulteration of butter. U. S. v. 3 Barrels of Butter. Default decree of condemnation and destruction. (F. & D. no. 32931. Sample no. 62369-A.)

A sample of butter taken from the shipment involved in this case was found to contain animal hairs, insects and parts of insects, portions of feathers, and nondescript debris.

On June 25, 1934, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of three barrels of butter at Middletown, Md., alleging that the article had been shipped in interstate commerce on or about June 18, 1934, by Bentzel's Poultry and Egg House, from York, 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 consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On September 7, 1934, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

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