

puree at Rutland, Vt., consigned by Oswego Preserving Co., from Oswego, N. Y., on or about March 2, 1934, alleging that the article had been shipped in interstate commerce from the State of New York into the State of Vermont, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Oswego Brand Tomato Puree \* \* \* Oswego Preserving Co., Oswego, N. Y., Distributors."

The article was alleged to be adulterated in that it was in a partially decomposed condition.

On June 10, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

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

**24809. Adulteration and misbranding of butter. U. S. v. Sheridan Creamery Co. Plea of guilty. Fine, \$50. (F. & D. no. 32886. Sample no. 66772-A.)**

This case was based on an interstate shipment of butter that was deficient in milk fat.

On August 2, 1934, the United States attorney for the District of Wyoming, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Sheridan Creamery Co., a corporation, Sheridan, Wyo., alleging shipment by said company in violation of the Food and Drugs Act on or about February 14, 1934, from the State of Wyoming into the State of Montana, of a quantity of butter which was adulterated and misbranded. The article was labeled in part: "San-I-Dairy Butter \* \* \* Distributed by the 'San-I-Dairy' Creameries of Wyoming and Montana Sheridan Creamery Company, Sheridan, Wyo., Owners."

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 must contain not less than 80 percent by weight of milk fat as defined by the act of Congress of March 4, 1923, which the article purported to be.

Misbranding was alleged for the reason that the statement "Butter", borne on the carton, was false and misleading, and for the further reason that it was labeled so as to deceive and mislead the purchaser, since the said statement represented that the article was butter as defined by law; whereas it contained less than 80 percent by weight of milk fat, the standard for butter defined by law.

On July 22, 1935, a plea of guilty was entered on behalf of the defendant company and the court imposed a fine of \$50.

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

**24810. Adulteration of apples. U. S. v. Reginald A. Watson (R. A. Watson, Agent.) Tried to the court without a jury. Judgment of guilty. Fine, \$25. (F. & D. no. 32889. Sample no. 42526-A.)**

Examination of the apples involved in this case showed the presence of arsenic and lead in amounts that might have rendered them injurious to health.

On September 23, 1934, the United States attorney for the Southern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Reginald A. Watson, trading as R. A. Watson, Agent, Valley City, Ill., alleging shipment by said defendant in violation of the Food and Drugs Act on or about September 21, 1933, from the State of Illinois into the State of Indiana, of a quantity of apples which were adulterated. The article was labeled in part: "Fancy Grimes Golden Packed by R. A. Watson-Morrison or Valley City, Ill."

The article was alleged to be adulterated in that it contained added poisonous and deleterious ingredients, namely, arsenic and lead, in amounts that might have rendered it injurious to health.

On June 28, 1935, the defendant having entered a plea of not guilty, the case came on for trial before the court without a jury. Judgment was entered finding the defendant guilty and imposing a fine of \$25.

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

**24811. Adulteration and misbranding of coffee. U. S. v. 9¼ Cases of Coffee. Consent decree of condemnation. Product released under bond to be relabeled. (F. & D. no. 33087. Sample no. 76614-A.)**

This case involved a product which was adulterated and misbranded, since it was represented to be a superior high-grade coffee, whereas it contained approximately 10 percent of chicory.

On July 19, 1934, the United States attorney for the Eastern District of North Carolina, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 9¼ cases of coffee at Manteo, N. C., alleging that the article had been shipped in interstate commerce on or about June 7, 1934, by the James G. Gill Co., Inc., from Norfolk, Va., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Gill's Hotel Special \* \* \* The James G. Gill Co. Inc. Norfolk, Va."

The article was alleged to be adulterated in that a product containing about 10 percent of chicory had been substituted for coffee.

Misbranding was alleged for the reason that the statement "Gills Hotel Special Vacuum Packed Coffee \* \* \* to make good coffee use about one-fourth less of Hotel Special than other high grade Coffee", was misleading.

On June 4, 1935, the James G. Gill Co., Inc., claimant, having withdrawn its answer and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be properly relabeled.

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

**24812. Adulteration of butter. U. S. v. 30 Tubs, et al., of Butter. Decrees of condemnation and sale.** (F. & D. nos. 33313, 33488, 33489. Sample nos. 4351-B, 4355-B, 4359-B, 4360-B.)

These cases involved butter which was found to contain filth.

On August 3, 13, and 16, 1934, the United States attorney for the Eastern District of Missouri, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 298 tubs of butter at St. Louis, Mo., alleging that the article had been shipped in interstate commerce between the dates of June 13 and June 25, 1934, by the McLeansboro Creamery Co., from McLeansboro, Ill., and charging adulteration in violation of the Food and Drugs Act.

Adulteration was charged against portions of the article for the reason that it consisted wholly or in part of a filthy animal or vegetable substance. Adulteration was charged against the remainder of the product in that it contained filthy or foreign material.

On September 13 and 14, 1935, no claimant appearing, judgments of condemnation were entered and it was ordered that the product be denatured and sold for commercial purposes.

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

**24813. Adulteration and misbranding of alleged olive oil. U. S. v. Thirty-three 1-Gallon Cans and Twenty-four ½-Gallon Cans of Alleged Olive Oil. Default decree of condemnation. Product ordered delivered to charitable institutions.** (F. & D. no. 33422. Sample nos. 6992-B, 6993-B.)

This case involved a product consisting largely of peanut oil, with some olive oil present, which was labeled to convey the impression that it was imported olive oil.

On September 8, 1934, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 57 gallon and half-gallon cans of alleged olive oil at Hartford, Conn., alleging that the article had been shipped in interstate commerce on or about August 7, 1934, by Joseph Petro, from Lynn, Mass., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Joseph Petro Brand."

The article was alleged to be adulterated in that peanut oil had been substituted in part for olive oil which the article purported to be.

Misbranding was alleged for the reason that the following statements appearing on the label, "Olivol \* \* \* Olio Puro Sopraffino \* \* \* Extra Quality Pure 'Olivol' This Superfine product is guaranteed absolutely pure and of the finest quality. Highly recommended for all general purposes for which olive oil is used. Cosmos Food Inc. Importers Lynn, Mass. U. S. A.", and the design of olive branches also appearing on the label, were misleading and tended to deceive and mislead the purchaser, since they represented that the product was imported olive oil, whereas it consisted largely of peanut oil mixed with some olive oil compounded and packed in the United States. Misbranding was alleged for the further reason that the article purported to be a foreign product when not so.