

25267. Adulteration and misbranding of butter. U. S. v. Armour & Co. Plea of guilty. Fine, \$150. (F. & D. no. 33996. Sample no. 47943-A.)

This case was based on an interstate shipment of butter which contained less than 80 percent of milk fat, and the packages of which were short in weight.

On May 15, 1935, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Armour & Co., a corporation, San Francisco, Calif., charging shipment by said corporation in violation of the Food and Drugs Act, on or about May 30, 1934, from the State of California into the Territory of Hawaii, of a quantity of butter which was adulterated and misbranded. The article was labeled in part: "1 Lb. Net Weight Goldendale Pasteurized Creamery Butter Distributed by Armour Creameries, General Offices, Chicago * * * Goldendale Butter Made in U. S. A."

The article was alleged to be adulterated in that a product deficient in milk fat had been substituted for butter, a product which should 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.

The article was alleged to be misbranded in that the statements, "1 Lb. Net Weight" and "Butter", borne on the label, were false and misleading, and in that by reason of said statements the article was labeled so as to deceive and mislead the purchaser, since the said statements represented that the quantity of the article in each of the packages was 1 pound net, and that the article was butter; whereas in fact the quantity of the article in each of the packages was less than 1 pound net, and the article was not butter, i. e., a product containing not less than 80 percent by weight of milk fat as required by the act of Congress of March 4, 1923, but was a product containing less than 80 percent of milk fat. Misbranding of the article was alleged further in that it 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 packages each contained less than 1 pound net, the quantity declared thereon.

On October 26, 1935, a plea of guilty was entered on behalf of the defendant corporation and the court imposed a fine of \$150.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

25268. Misbranding of canned spinach. U. S. v. Santa Cruz Fruit Packing Co. Plea of guilty. Fine, \$60. (F. & D. no. 34001. Sample nos. 5201-B, 14403-B, 73344-A.)

This case was based on interstate shipments of canned spinach which was short in weight.

On May 15, 1935, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Santa Cruz Fruit Packing Co., a corporation, Oakland, Calif., charging shipment by said corporation, in violation of the Food and Drugs Act, on or about March 23 and May 2, 1934, from the State of California into the State of Massachusetts, and on or about April 14, 1934, from the State of California into the State of Washington, of quantities of canned spinach which was misbranded. The article in the two consignments first referred to was labeled in part: "Santa Cruz Brand California Spinach. Net Weight 11 Oz. Packed by Santa Cruz Fruit Packing Co." The article in the consignment last referred to was labeled in part: "Santa Cruz Brand Spinach Contents 6 Lb. 4 Oz. Santa Cruz Fruit Packing Co."

It was alleged that the article in the two consignments first referred to was misbranded in that the statement "Net Weight 11 Oz.", borne on the cans, was false and misleading, and in that by reason of said statement the article was labeled so as to deceive and mislead the purchaser, since the statement represented that the quantity of the contents of the cans each was 11 ounces; whereas in fact the quantity of contents of each of the cans was less than 11 ounces.

It was alleged that the article in the consignment last referred to was misbranded in that the statement "Contents 6 Lb. 4 Oz.", borne on the cans, was false and misleading, and in that by reason of said statement the article was labeled so as to deceive and mislead the purchaser, since the statement represented that the quantity of contents of each of the cans was 6 pounds 4 ounces; whereas in fact the quantity of contents of each of the cans was less than 6 pounds 4 ounces. Misbranding of the article in all three of the con-

signments was alleged in that it was food in package form and the quantity of the contents of the package was not plainly and conspicuously marked on the outside of the package. since the quantity of the contents of the package, respectively, was less than the amounts respectively stated thereon.

On September 10, 1935, a plea of guilty was entered on behalf of the defendant corporation and the court imposed a fine of \$60.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

25269. Misbranding of olive oil. U. S. v. W. A. Taylor & Co. Plea of guilty. Fine, \$50. (F. & D. no. 34007. Sample nos. 38878-A, 38882-A, 38883-A, 38887-A, 38889-A, 38891-A.)

This case was based on interstate shipments of olive oil the bottles of which were short in volume.

On July 22, 1935, 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 an information against W. A. Taylor & Co., a corporation, New York, N. Y., charging shipment by said corporation in violation of the Food and Drugs Act, on or about May 17 and 25, 1934, in three consignments, from the State of New York into the State of California, of quantities of olive oil which was misbranded. The article in one consignment, being in bottles of two sizes, the smaller bottles were labeled: "Contents 4 oz. Red Lion [design of red lions] Imported Pure Virgin Olive Oil Packed by W. A. Taylor & Co. New York", and the labeling of the larger bottles was the same as that of the smaller ones, except that the statement of the contents was "16 oz." instead of "4 oz." The article in the second consignment, also in bottles of two sizes, was labeled, (smaller bottles) "Contents 4 oz. Red Lion [design of red lions] Imported Pure Virgin Olive Oil Packed by W. A. Taylor & Co. New York"; and the labeling of the larger bottles was the same as that of the smaller ones, except that the statement of the contents was "16 oz." instead of "4 oz." The article in the second consignment, also in bottles of two sizes, was labeled, (larger bottles) "Contents 8 fl. oz. Virgilio Imported Pure Virgin Olive Oil [design of olive-bearing branches] Packed by W. A. Taylor & Co. New York"; and the labeling of the smaller bottles was the same as that of the larger ones, except that the statement of contents was "4 fl. oz." instead of "8 fl. oz." The bottles of the article in the third consignment were labeled: "Contents 8 fl. Ozs. Alpi Imported Olive Oil Packed by W. A. Taylor & Co., N. Y. [design of medals] Finest Grade Imported Olive Oil Recommended for table and medicinal uses."

It was alleged that the article in the three consignments was misbranded as follows: In that the statement "Contents 4 oz.", borne on the bottles in one of the two lots in the first consignment, and the statement "Contents 16 oz.", borne on the bottles in the other lot, were false and misleading, and in that by reason of said statements the article was labeled so as to deceive and mislead the purchaser, since the bottles in the two lots each contained less than the quantities stated, respectively; in that the statement "Contents 8 fl. oz.", borne on the bottles in one of the two lots in the second consignment, and the statement "4 fl. oz.", borne on the bottles in the other lot, were false and misleading, and in that by reason of said statements the article was labeled so as to deceive and mislead the purchaser, since the bottles in the two lots each contained less than the quantities stated, respectively; and in that the statement "Contents 8 Fl. Ozs.", borne on the bottles in the third consignment, were false and misleading, and in that by reason of said statement the article was labeled so as to deceive and mislead the purchaser, since the bottles each contained less than the quantity stated. Misbranding of the article in all of the three consignments was alleged further, in 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 quantities stated were incorrect.

On October 7, 1935, a plea of guilty was entered on behalf of the defendant corporation and the court imposed a fine of \$50.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

25270. Misbranding of canned cherries. U. S. v. Herman W. Ullsperger and Adolph M. Christensen (Onkama Packing Co.). Pleas of guilty. Fines, \$50 against each of the two defendants. (F. & D. no. 34011. Sample no. 3426-B.)

This case was based on an interstate shipment of canned cherries which were water-packed and not so labeled.