

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.