

Wash., alleging shipment by said company in violation of the Food and Drugs Act, on or about May 23, 1935, from Seattle, Wash., to Port Wakefield, Alaska, of a quantity of baking powder that was adulterated. The article was labeled in part: "Shaw's Bakers' Extra Strength Baking Powder * * * Commercial Importing Co., Inc., Seattle, Tacoma, Portland."

The article was alleged to be adulterated in that mixed substances composing a product yielding less than 12 percent of available carbon dioxide, the permitted minimum percentage of available carbon dioxide required for baking powder, had been substituted for baking powder, which the article purported to be.

On October 7, 1935, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$50 and costs. Payment of the fine was suspended for 5 years on condition that costs be paid immediately.

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

25593. Adulteration and misbranding of olive oil. U. S. v. Sam Greenblatt and Al Spector (G. & S. Specialty Co.). Judgment of guilty. Fine, \$150 and costs. (F. & D. no. 35988. Sample no. 28598-B.)

This case was based on an interstate shipment of so-called olive oil which consisted almost wholly of cottonseed oil, and the bottles of which contained less than the quantity represented on the label.

On September 26, 1935, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Sam Greenblatt and Al Spector, trading as G. & S. Specialty Co., Youngstown, Ohio, charging shipment by said defendants, in violation of the Food and Drugs Act, on or about March 20, 1935, from the State of Ohio into the State of Pennsylvania, of a quantity of so-called olive oil, which was adulterated and misbranded. The article was labeled: "G and S Pure Imported Olive Oil. Net 2 Fl. Ozs. G and S Specialty Co., Youngstown, Ohio."

The article was alleged to be adulterated (1) in that a substance, cottonseed oil, had been mixed and packed with the article so as to reduce, lower, and injuriously affect the quality and strength of pure imported olive oil, and (2) in that a substance, cottonseed oil, had been substituted practically wholly for pure imported olive oil which the article purported to be.

The article was alleged to be misbranded in that the statements, "Pure Imported Olive Oil" and "Net 2 Fl. Ozs.", 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 said statements represented that the article was pure imported olive oil and that the bottles each contained 2 fluid ounces net of the article; whereas in fact the article consisted practically wholly of a domestic product, cottonseed oil, and the bottles each contained less than 2 fluid ounces net of the article. The article was alleged to be further misbranded 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 quantity of the contents of the package was less than 2 fluid ounces, and such amount was not stated on the package.

On March 21, 1936, after trial without a jury, the court found the defendants guilty and imposed a fine of \$150 and costs.

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

25594. Adulteration of apples. U. S. v. Charles C. Child, Scott Brubaker, and Frank H. Hogue. Pleas of guilty. Each defendant fined \$25. (F. & D. no. 36007. Sample nos. 23622-B, 23623-B, 23624-B.)

This product contained added arsenic and lead.

On November 13, 1935, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Charles C. Child, Scott Brubaker, and Frank H. Hogue, all of Payette, Idaho, alleging shipment by them in violation of the Food and Drugs Act as amended, on or about January 10, 1935, from Nyssa, Oreg., to Marionville, Mo., of baskets of apples that were adulterated. The article was labeled in part: (Basket) "F. H. Hogue, Payette, Idaho."

Adulteration of the product was charged under the allegation that it contained added and deleterious ingredients, namely, arsenic and lead, in an amount that might have rendered it injurious to health.

On January 6, 1936, pleas of guilty having been entered, each defendant was fined \$25.

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