

Brooklyn, N. Y., alleging that the article had been shipped in interstate commerce on or about May 7, 1937, by the Lucca Olive Oil Co., from Lindsay, Calif., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Cans) "Gold Deer Brand Pure Olive Oil Manufactured and Packed by Lucca Olive Oil Co. Lucca, Cal. Contents 1 Gallon."

The article was alleged to be misbranded in that the statement "Contents 1 Gallon" was false and misleading and tended to deceive and mislead the purchaser since the net content was actually less than 1 gallon; and in that it was food in package form and the true quantity of the contents was not plainly and conspicuously marked on the outside of the package since the quantity stated was not correct.

On July 27, 1937, Antonio Rossi, Brooklyn, N. Y., claimant, having admitted the allegations of the libel, judgment of condemnation was entered, and the product was ordered released to the claimant under bond conditioned that it be repacked into properly labeled containers.

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

27694. Adulteration of canned prunes and misbranding of canned cherries. U. S. v. Paulus Bros. Packing Co. Plea of guilty. Fine, \$500. (F. & D. No. 39735. Sample Nos. 21846-C, 31135-C.)

These canned prunes were in whole or in part decomposed, and the canned cherries were short weight.

On June 17, 1937, 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 Paulus Bros. Packing Co., a corporation, Salem, Oreg., alleging shipment by said company in violation of the Food and Drugs Act as amended, on or about October 3, 1936, from the State of Oregon into the State of Colorado of a quantity of canned prunes that were adulterated; and on or about October 20, 1936, from the State of Oregon into the State of New York of a quantity of canned cherries that were misbranded. The articles were labeled in part: (Prunes, can) "Jordan Brand Water Pack Italian Prunes * * * Packed for The J. S. Brown Mercantile Co. Denver—Colorado Springs"; (cherries, can) "Pitted Black Cherries De Luxe Brand * * * Packed for Geo. S. Daugherty Co. New York Contents 7 lbs Or Over."

The prunes were alleged to be adulterated in that they consisted in whole and in part of a decomposed vegetable substance.

The cherries were alleged to be misbranded in that the statement "Contents 7 Lbs. Or Over" was false and misleading and was borne on the label so as to deceive and mislead the purchaser, since the cans contained less than 7 pounds of the article; misbranding was alleged for the further reason 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.

On June 29, 1937, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$500.

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

27695. Adulteration of canned peas. U. S. v. Idaho Canning Co., Inc. Plea of guilty. Fine, \$50. (F. & D. No. 39736. Sample Nos. 24156-C, 29324-C, 29346-C, 32610-C.)

Samples of this product were found to contain weevils.

On June 25, 1937, the United States attorney for the District of Idaho, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Idaho Canning Co., Inc., Payette, Idaho, alleging shipment by said company on or about July 10, August 3, and November 18, 1936, in violation of the Food and Drugs Act, from the State of Idaho into the States of Oregon and Washington of quantities of canned peas that were adulterated. The article was labeled variously in part: "Seven Peaks or [Arrow Rock" or "Ida Dell"] Brands * * * Packed by Idaho Canning Co. Payette Idaho."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy vegetable substance.

On July 8, 1937, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$50.

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