

of Italian medals and olive branches bearing olives]"; (Figlia D'Italia brand) "Olio d'Oliva," Puro Prodotto Importato Figlia d'Italia Qualita Superfina Quest' Olio d'Oliva E Garantito Assolutamente Puro Pure Olive Oil Imported Product Superfine Quality This Olive Oil is Guaranteed to be Absolutely Pure Al Merito 1893 [designs of Italian medals and olive branches bearing olives]"; (L'Italiana brand) "Olio D'Oliva Puro Prodotto Importato L'Italiana Quest' Olio D'Oliva E Garantito Assolutamente Puro Pure Olive Oil Imported Product This Olive Oil is guaranteed to be absolutely pure [design of medals and olive branches bearing olives]"; (Messina brand) "Olio D'Oliva Prodotto Italiano Quest Olio D'Oliva E Garantito Assolutamente Puro Imported Olive Oil This olive oil is guaranteed to be absolutely pure Italian Product [design of olive branches bearing olives]"; (Roma brand) "Puro Olio D'Oliva Prodotto Importate Questo Olio D'Oliva E Garantito Assolutamente Puro Sotto Analisi Chimica Roma Pure Olive Oil This Olive Oil is Guaranteed to be absolutely pure under chemical analysis [design of Roman palace]"; and (Aurora brand) "Olio D'Oliva Prodotto Italiana Quest Olio D'Oliva E Garantito Assolutamente Puro Imported Olive Oil This olive oil is guaranteed to be absolutely pure Italian Product [design of olive branches bearing olives]," were false and misleading and in that the said statements and designs were borne on the cans so as to deceive and mislead the purchasers since they represented that the article was pure imported Italian olive oil; whereas it was a mixture composed in part of tea-seed oil; and in that it was offered for sale and sold under the distinctive name of another article, olive oil. The Michele Spinelli brand was alleged to be misbranded in that the statements, "Puro Olio D'Oliva Questo olio d' oliva e assolutamente puro \* \* \* Garantito sotto Qualunque Analisi Chimica," "Imported Olive Oil," "Pure Olive Oil," and "This olive oil is absolutely pure \* \* \* guaranteed under chemical analysis," borne on the can, were false and misleading since they represented that the article was imported olive oil; whereas it was a mixture composed in part of tea-seed oil.

On September 29, 1937, pleas of nolo contendere were entered and the court imposed a fine of \$5 on each of the 18 counts of the information against each of the defendants, i. e., a total of \$270.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27833. Adulteration and misbranding of olive oil. U. S. v. Cosimo Daniele.**  
**Plea of guilty. Fine, \$250.** (F. & D. No. 38012. Sample Nos. 61232-B, 61235-B, 61236-B, 61237-B, 61759-B, 61762-B, 61766-B, 61767-B, 62101-B, 62105-B.)

This product was represented to be pure olive oil; whereas it consisted in part of tea-seed oil.

On March 2, 1937, 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 Cosimo Daniele, New York, N. Y., alleging shipment by said defendant in violation of the Food and Drugs Act between the dates of September 7, 1935, and March 28, 1936, from the State of New York into the State of New Jersey of various lots of olive oil which was adulterated and misbranded. It was labeled in part variously: "Lido Brand [or "Three Counts Brand" or "Conte Verde Brand"] \* \* \* C. Daniele New York, N. Y."

The article was alleged to be adulterated in that tea-seed oil had been mixed and packed therewith so as to reduce or lower its quality or strength and in that tea-seed oil had been substituted wholly or in part for olive oil, which it purported to be.

It was alleged to be misbranded in that the following statements and designs borne on the can labels were false and misleading and were borne on the cans so as to deceive and mislead purchasers since they represented that the Lido brand was composed wholly of imported olive oil and that the other brands were composed wholly of olive oil packed in Italy; whereas they were not as represented but were composed in part of tea-seed oil, and the Three Counts brand and the Conte Verde brand had been packed in the United States: (Lido brand) "Imported Product The Best you can buy Lido \* \* \* Superfine First Quality Extra Olive Oil Insuperable Lido \* \* \* This oil is guaranteed pure under chemical analysis, and is recommended for medicinal as well as for table use. \* \* \* Prodotto Importato L'olio migliore che voi potete comperare \* \* \* Lido Sopraffino prima qualite Olio d'Oliva Extra \* \* \* Lido quest 'olio e garantito puro all'analisi chimica. Per la

sua estrema bonta e raccomandato anche per uso medicinale Insuperabile \* \* \* Lido Prodotto Importato [design of a Venetian scene]"; (Three Counts brand) "Olive Oil Virgin Extra 1 Packed in Italy \* \* \* Olio d'Oлива Vergine Extra 1 Impaccato in Italia; \* \* \* This oil is guaranteed pure under chemical analysis, and is recommended for medicinal as well as for table use. Packed in Italy \* \* \* Italy \* \* \* Quest' Olio e garantito puro all'analisi chimica. Per la sua estrema bonta e raccomandato anche per uso medicinale. Impaccato in Italia \* \* \* Italy \* \* \* Packed in Italy [design of olive leaves and olives]"; (Conte Verde brand) "Pure Olive Oil Packed in Italy \* \* \* Olio di Oliva Sopraffino Garantito puro da qualsiasi analisi chimica \* \* \* Non Plus Ultra \* \* \* Pure Olive Oil. We guarantee this oil to be absolutely pure under chemical analysis and of the finest quality. Recommended for medicinal purposes \* \* \* Italy \* \* \* Non Plus Ultra \* \* \* Olio puro di Oliva garantito sotto qualunque analisi chimica, e di qualita finissima Raccomandato per uso Medicinale \* \* \* Italia \* \* \* Packed in Italy [design of olive branches and olives, Italian flags, Italian coat of arms, and olive branches]." It was alleged to be misbranded further in that it was a mixture composed in part of tea-seed oil and was offered for sale and sold under the distinctive name of another article, olive oil.

On September 23, 1937, the defendant entered a plea of guilty and on December 2, 1937, the court imposed a fine of \$250.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27834. Adulteration of poultry. U. S. v. Litchfield Produce Co. Plea of guilty. Fine, \$100. (F. & D. No. 38683. Sample Nos. 26163-C, 26164-C.)**

Samples of poultry taken from this shipment were found to be decomposed or diseased, or otherwise unfit for food.

On September 28, 1937, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Litchfield Produce Co., Litchfield, Minn., alleging shipment by said company on or about December 20, 1936, from the State of Minnesota into the State of Illinois of a quantity of poultry that was adulterated. The article was labeled: "Common Poultry."

It was alleged to be adulterated in that it consisted in whole and in part of a decomposed and putrid animal substance.

On September 28, 1937, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$100.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27835. Misbranding of canned tomatoes. U. S. v. 1,973 Cases of Canned Tomatoes. Decree of condemnation. Product released under bond for re-labeling. (F. & D. No. 38870. Sample No. 5347-C.)**

This product fell below the standard for canned tomatoes established by this Department because it did not consist of whole or large pieces but did consist of tomatoes with puree from trimmings, and it was not labeled to indicate that it was substandard.

On December 23, 1936, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 1,973 cases of canned tomatoes at Minneapolis, Minn., alleging that the article had been shipped in interstate commerce on or about October 10, 1936, by the Fettig Canning Corporation from Elwood, Ind., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Cans) "May-Flower Brand Tomatoes \* \* \* Distributed by Marshall Canning Co. Marshalltown, Iowa."

It was alleged to be misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture, since it did not consist of whole or large pieces but did consist of small pieces and tomatoes with puree from trimmings, and its package or label did not bear a plain and conspicuous statement prescribed by the Secretary indicating that it fell below such standard.

On March 18, 1937, the Fettig Canning Corporation, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be relabeled under the supervision of this Department.

HARRY L. BROWN, *Acting Secretary of Agriculture.*