

28445. Misbranding of cottonseed meal. U. S. v. Interstate Mill & Storage Co. Plea of guilty. Fine, \$300 and costs. (F. & D. No. 39845. Sample No. 661-C.)

The net weight of this product was found to be less than that declared on the label.

On November 20, 1937, the United States attorney for the Eastern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Interstate Mill & Storage Co., Cairo, Ill., alleging shipment by said company on or about June 28, 1937, from the State of Illinois into the State of Kansas, of a quantity of cottonseed meal which was misbranded in violation of the Food and Drugs Act as amended. The article was labeled in part: "100 Pounds Net Choctaw Sales Company Kansas City, Missouri."

The product was alleged to be misbranded in that the statement on the tag, "100 Pounds Net," was false and misleading and in that it was labeled so as to deceive and mislead the purchaser, since the sacks contained less than the amount stated; it was alleged to be misbranded further in that it was food in package form and the quantity of the contents was not plainly and conspicuously stated on the outside of the package since the statement made was incorrect.

On December 14, 1937, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$300 and costs.

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

28446. Adulteration of butter. U. S. v. 25 Tubs of Butter. Consent decree of condemnation and forfeiture. Product ordered released under bond to be reworked. (F. & D. No. 40597. Sample No. 56993-C.)

This product was deficient in milk fat.

On October 16, 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 a libel praying seizure and condemnation of 25 tubs of butter at New York, N. Y., alleging that the product had been shipped in interstate commerce on or about October 2, 1937, by the Cavalier Creamery from Cavalier, N. Dak., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which contains not less than 80 percent of milk fat.

On January 19, 1938, the Cavalier Creamery Co., claimant, having admitted the allegations of the libel, consent decree of condemnation was entered, and the seized product was ordered released under bond conditioned that it be reworked so that it contain at least 80 percent of milk fat.

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

28447. Adulteration and misbranding of olive oil. U. S. v. Donato Varrone. Plea of nolo contendere. Fine, \$40. (F. & D. No. 39810. Sample No. 20389-C.)

This product was represented to be pure imported olive oil, whereas it was composed in part of an artificially colored and flavored oil other than imported olive oil.

On December 18, 1937, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Donato Varrone, Waterbury, Conn., alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about September 26, 1936, from the State of Connecticut into the State of Massachusetts, of a quantity of olive oil which was adulterated and misbranded. The article was labeled in part: "Pure Olive Oil Fior D'Italia Brand * * * Guaranteed Imported from Lucca—Italy V. Bressi Bros."

It was alleged to be adulterated in that an oil other than olive oil had been mixed and packed with it so as to reduce and lower its quality and strength; in that it was an article inferior to olive oil, namely, a mixture composed in part of oil other than olive oil and was colored with an artificial color, Quinzarine, so as to simulate the appearance of olive oil, and in a manner whereby its inferiority to olive oil was concealed; and in that an artificially colored and flavored product composed in part of oil other than olive oil had been substituted for olive oil, which the article purported to be.

The article was alleged to be misbranded in that the statements in English and Italian, to wit, "Fior d'Italia," "Guaranteed Imported from Lucca—Italy," "Garantito Importate da Lucca—Italy," "This olive oil is guaranteed to be ab-