

**28927. Adulteration of butter. U. S. v. Albany Creamery Association. Plea of guilty. Fine, \$100.** (F. & D. No. 39849. Sample Nos. 39366-C, 39490-C.)

This product contained less than 80 percent by weight of milk fat.

On December 16, 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 the Albany Creamery Association, a corporation, Albany, Oreg., alleging shipment by said company in violation of the Food and Drugs Act on or about July 22 and 27, 1937, from the State of Oregon into the State of California of quantities of butter which was adulterated.

The article was alleged to be adulterated in that a substance containing less than 80 percent by weight of milk fat had been substituted wholly for butter, a product which should contain not less than 80 percent of milk fat as provided for by the act of Congress of March 4, 1923, which it purported to be.

On December 30, 1937, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$100.

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

**28928. Adulteration of shelled peanuts. U. S. v. 250 Bags of Shelled Peanuts. Consent decree of condemnation and forfeiture. Product ordered released under bond conditioned that unfit nuts be denatured or destroyed.** (F. & D. No. 40452. Sample Nos. 37742-C, 38252-C.)

These peanuts were in part wormy, moldy, and decomposed.

On October 7, 1937, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 250 bags of shelled peanuts at Jersey City, N. J., alleging that the article had been shipped in interstate commerce on or about July 15, 1937, by Edenton Peanut Co. from Edenton, N. C., and charging adulteration in violation of the Food and Drugs Act. The article was labeled: "Edenton Peanut Co., Edenton, N. C. E-21 Tea Party Brand."

It was alleged to be adulterated in that it consisted in whole or in part of a filthy and decomposed vegetable substance.

On March 10, 1938, Edenton Peanut Co. and Birdsong Sons Corporation, having appeared and filed a stipulation admitting the truth of the allegations of the libel and consenting, judgment of condemnation and forfeiture was entered. It was ordered that the peanuts be released under bond, conditioned that the good portion be separated from the bad and the latter denatured or destroyed.

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

**28929. Misbranding of olive oil. U. S. v. 11 Cans of Alleged Olive Oil. Default decree ordering product delivered to charitable institutions.** (F. & D. No. 41070. Sample No. 57521-C.)

This product was represented to be olive oil, whereas it was artificially colored and flavored cottonseed oil.

On December 10, 1937, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 11 cans of olive oil at Bridgeport, Conn., alleging that the article had been shipped in interstate commerce on or about November 12, 1937, from Brooklyn, N. Y., by C. Dispigno, and charging misbranding in violation of the Food and Drugs Act.

The article was alleged to be misbranded in that the following statements and design were false and misleading and tended to deceive and mislead the purchaser since they represented that the article was olive oil and that it was a foreign product, whereas it was not olive oil and it was not a foreign product, but was an artificially colored and flavored domestic cottonseed oil: "Olio Di Oliva Vergine [design of olive branch bearing olives] Lucca \* \* \* Prodotto Italiano \* \* \* Questo Olio E Garantito Di Puro Oliva This Olive Oil is Guaranteed Pure"; "Imported from Italy." The article was alleged to be misbranded further in that it was an imitation of and was offered for sale under the distinctive name of another article, olive oil.

On May 11, 1938, no claimant having appeared, the product was ordered delivered to charitable institutions.

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