

was concealed. Misbranding was alleged for the reason that the words "Superfine Peppermint" on the label thereof, regarding said article and the ingredients and substances contained therein, were false and misleading, in that said label would indicate that said article was a genuine extract of peppermint, whereas said article was not a genuine extract of peppermint, but, in truth and in fact, was a dilute solution of alcohol, artificially colored, containing only a trace of peppermint oil.

On April 13, 1914, the defendant company entered a plea of guilty to the information and the court imposed a fine of \$15.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., *September 24, 1914.*

3352. Adulteration of tomato pulp. U. S. v. 552 Cases of Tomato Pulp. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5193. I. S. Nos. 8952-e, 8953-e. S. No. 1795.)

On May 1, 1913, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 552 cases, each containing 48 cans of tomato pulp, remaining unsold in the original unbroken packages at Chicago, Ill., alleging that the product had been shipped on December 20, 1912, and transported from the State of Maryland into the State of Illinois, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the product was alleged in the libel for the reason that it consisted wholly of a filthy, decomposed and [or] putrid vegetable substance. Adulteration was alleged for the further reason that the product consisted in part of a filthy, decomposed and [or] putrid vegetable substance.

On March 30, 1914, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered and it was ordered by the court that the products should be destroyed by the United States marshal.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., *September 25, 1914.*

3353. Adulteration and misbranding of olive oil. U. S. v. Antonius Lekakis and Gus Sigelakis (Lekakis & Sigelakis). Plea of guilty. Fine, \$25. (F. & D. No. 5217. I. S. No. 20246-d.)

On February 13, 1914, 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 of the United States for said district an information against Antonius Lekakis and Gus Sigelakis, copartners, trading under the firm name and style of Lekakis & Sigelakis, New York, N. Y., alleging shipment by said defendants in violation of the Food and Drugs Act, on March 19, 1912, from the State of New York into the State of Michigan, of a quantity of so-called olive oil which was adulterated and misbranded. The product was labeled: (In modern Greek) "Elaion Gnesion Hellenikon Ideodes." (Translation) "Pure (genuine) Olive Oil Greek Ideal." (In English) "Hellenic Ideal Brand Trade Mark Pure Olive Oil."

Analysis of a sample of the product by the Bureau of Chemistry of this department showed that about 40 to 45 per cent of cottonseed oil was present therein.

Adulteration of the product was alleged in the information for the reason that a substance, to wit, cottonseed oil, had been mixed and packed with it so as to reduce and lower and injuriously affect its quality and strength, and

for the further reason that a mixture of olive oil and cottonseed oil had been substituted wholly or in part for the pure olive oil which the said article purported to be. Misbranding was alleged for the reason that the statement "Pure Olive Oil," appearing on the label, was false and misleading, in that it conveyed the impression that the product aforesaid consisted entirely of olive oil, whereas, in truth and in fact, the said product did not consist of pure olive oil, but was a mixture of olive oil and cottonseed oil. Misbranding was alleged for the further reason that the product was labeled so as to deceive and mislead the purchaser, being labeled "Pure Olive Oil," thereby creating the impression that the product was pure olive oil, whereas, in truth and in fact, said product was not pure olive oil, but a mixture of olive oil and cottonseed oil.

On March 13, 1914, a plea of guilty was entered on behalf of the defendant firm and the court imposed a fine of \$25.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., *September 24, 1914.*

3354. Adulteration of tomato pulp and tomato purée. U. S. v. 800 Cases, More or Less, of Tomato Pulp. Default decree of condemnation and forfeiture. Product ordered destroyed. (F. & D. No. 5316. I. S. Nos. 1709-h, 1710-h. S. No. 1907.)

On August 18, 1913, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States for said district a libel for the seizure and condemnation of 800 cases, each containing 48 cans of tomato pulp, or of tomato purée, remaining unsold in the original unbroken packages at Cincinnati, Ohio, alleging that the product had been transported from the State of Indiana into the State of Ohio, and charging adulteration in violation of the Food and Drugs Act. Six hundred cases of the product were labeled: "Recess Brand Tomato Puree—E. V. M. Co. Packed for The Esterman-Verkamp-Murphy Co., Cincinnati, Ohio." Two hundred cases of the product were labeled: "Ruby Brand Tomato Pulp for Soup—Made from Tomatoes, Pieces of Tomatoes and Tomato Trimmings. Contents 9 oz. or more. Ruby Brand Tomato Pulp—Packed by Whiteland Canning Co. Whiteland, Ind. Grafton Johnson, Propr."

Adulteration of the product was alleged in the libel for the reason that said article of food contained and consisted of a filthy and decomposed vegetable substance.

On August 30, 1913, the appearance of Grafton Johnson, claimant, Whiteland, Ind., proprietor of the Whiteland Canning Co., was entered. On December 26, 1913, the said claimant having failed to file any answer whatsoever to the charges set forth in the libel, notwithstanding repeated requests so to do made upon him by the United States attorney, it was ordered that the libel be taken pro confesso and that the case might be presented for final judgment and decree any time subsequent to 30 days from the entry thereof. On February 19, 1914, the cause having come on for final hearing, upon motion of the United States attorney for judgment and upon the testimony of various witnesses offered ex parte on behalf of the libelant to sustain the allegations in the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal and that said claimant, Grafton Johnson, pay the costs of the proceedings, taxed at \$138.53.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., *September 24, 1914.*