

State of Georgia, of a quantity of an article, labeled in part "Lodge Farm Brand Hand Packed Tomatoes," which was adulterated.

Analyses of samples of the article by the Bureau of Chemistry of this department showed from the immersion refractometer readings of the juice at 20° C. the addition of water to the tomatoes.

Adulteration of the article was alleged in the information for the reason that a substance, to wit, water, had been mixed and packed therewith so as to lower, reduce, and injuriously affect its quality and had been substituted in part for tomatoes, which the article purported to be.

On December 11, 1918, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$50.

C. F. MARVIN, *Acting Secretary of Agriculture.*

6848. Adulteration and misbranding of oil of wintergreen. U. S. * * * v. 1 Can of Oil of Wintergreen. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 9184. I. S. No. 13601-r. S. No. E-1078.)

On August 6, 1918, 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 a libel for the seizure and condemnation of one 59-pound can of oil of wintergreen, remaining unsold in the original unbroken package at New York, N. Y., alleging that the article had been shipped on or about July 12, 1918, by T. J. Ray, Elk Park, N. C., and transported from the State of North Carolina into the State of New York, and charging adulteration and misbranding in violation of the Food and Drugs Act.

Analysis of a sample of the product by the Bureau of Chemistry of this department showed that it consisted in whole or in part of synthetic methyl salicylate.

Adulteration of the article was alleged in the libel for the reason that it was sold under and by a name recognized in the United States Pharmacopœia which differed from the standard of strength, quality, and purity as determined by the test laid down in said Pharmacopœia, and its strength and purity fell below the professed standard and quality under which it was sold; and for the further reason that a substance, to wit, synthetic methyl salicylate, had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted in part for oil of wintergreen, which the article purported to be.

Misbranding of the article was alleged for the reason that it was an imitation of, and offered for sale under the distinctive name of, another article, and that the statement on the invoice, to wit, "Wintergreen Oil," was false and misleading and deceived and misled the purchaser.

On November 2, 1918, the said Thomas J. Ray, Elk Park, N. C., claimant, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be delivered to said claimant upon the payment of the costs of the proceedings and the execution of a bond in the sum of \$118, in conformity with section 10 of the act, conditioned in part that the product should be relabeled "Imitation Oil of Wintergreen."

C. F. MARVIN, *Acting Secretary of Agriculture.*

6849. Adulteration and misbranding of olive oil. U. S. * * * v. John Courumalis and John Pappaicannau (Courumalis & Co.). Pleas of guilty. Fine, \$210. (F. & D. No. 9185. I. S. Nos. 1359-p, 1360-p, 19857-p, 19858-p, 19859-p, 19860-p.)

On December 13, 1918, 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 John Courumalis and John Pappaicannau, co-partners, trading as Courumalis & Co., New York, N. Y., alleging shipment by said defendants, in violation of the Food and Drugs Act, on or about January 16, 1918 (2 shipments), and November 22, 1917 (4 shipments), from the State of New York into the States of Connecticut and Ohio, of quantities of olive oil which was adulterated and misbranded.

Analyses of samples of the article by the Bureau of Chemistry of this department showed it to be practically all cottonseed oil and the containers to be short measure.

Adulteration of the article in each shipment was alleged in the information for the reason that a substance, to wit, cottonseed oil, had been mixed and packed therewith so as to lower, reduce, and injuriously affect its quality and strength, and had been substituted in part for olive oil, which the article purported to be.

Misbranding of the article in one of the shipments on January 16, 1918, and one of the shipments of November 22, 1917, was alleged for the reason that the statements, to wit, "Olive Oil Speciality from Lucca, Lucca Olive Oil, and 1 Gallon Net," borne on the cans containing the article, regarding it and the ingredients and substances contained therein, were false and misleading, in that they represented that the article was olive oil, that it was a foreign product, to wit, an olive oil produced in Lucca, kingdom of Italy, and that each of said cans contained one gallon net of the article, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was olive oil, that said article was a foreign product, to wit, an olive oil produced in Lucca, kingdom of Italy, and that each of said cans contained one gallon net of the article, whereas, in truth and in fact, said article was not olive oil, but was a mixture composed in large part of cottonseed oil and was not a foreign product, to wit, an olive oil produced in Lucca, kingdom of Italy, but was a domestic product, to wit, a product manufactured in the United States of America, and each of said cans did not contain one gallon net of the article, but contained a less amount.

Misbranding of the article in the other shipment on January 16, 1918, and one of the shipments of November 22, 1917, was alleged for the reason that the statements, to wit, "Finest Quality Olive Oil, Extra Pure Terminal Imerese Sicilia-Italia, 1 Gallon Net," borne on the cans containing the article, regarding it and the ingredients and substances contained therein, were false and misleading, in that they represented that the article was olive oil, that it was a foreign product, to wit, olive oil produced in Sicily, kingdom of Italy and that each of said cans contained one gallon net of the article, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was olive oil, and that it was a foreign product, to wit, an olive oil produced in Sicily, kingdom of Italy, and that each of said cans contained one gallon net of the article, whereas, in truth and in fact, it was not olive oil, but was a mixture composed in part of cottonseed oil and was not a foreign product, to wit, an olive oil produced in Sicily, kingdom of Italy, but was a domestic product, to wit, a product manufactured in the United States of America, and that each of said cans did not contain one gallon net of the article, but contained a less amount; and for the further reason that it was a mixture composed in large part of cottonseed oil prepared in imitation of olive oil, and was sold under the distinctive name of another article, to wit, olive oil.

Misbranding of the article in two of the shipments on November 22, 1917, was alleged for the reason that the statements, to wit, "Olio Puro D'Oлива

Lucca Italy, Net Contents Full Quarter Gallon, Olio Puro D'Oliva, Garantito Produzione Propria," borne on the cans containing the article, regarding it and the ingredients and substances contained therein, were false and misleading in that they represented that said article was olive oil, that it was a foreign product, to wit, an olive oil produced in Lucca, kingdom of Italy, and that each of said cans contained one full quarter gallon net of the article; and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was olive oil, and that said article was a foreign product, to wit, an olive oil produced in Lucca, kingdom of Italy, and that each of said cans contained one full quarter gallon net of the article, whereas, in truth and in fact, it was not olive oil, but was a mixture composed in large part of cottonseed oil and was not a foreign product, to wit, an olive oil produced in Lucca, kingdom of Italy, but was a domestic product, to wit, a product manufactured in the United States of America, and each of said cans did not contain one full quarter gallon net of the article, but contained a less amount; and for the further reason that it was a mixture composed in large part of cottonseed oil prepared in imitation of olive oil, and was sold under the distinctive name of another article, to wit, olive oil. Misbranding of the article in each of the shipments was alleged for the further reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On December 31, 1918, the defendants entered a plea of guilty to the information, and the court imposed a fine of \$210.

C. F. MARVIN, *Acting Secretary of Agriculture.*

6850. Adulteration and misbranding of olive oil. U. S. * * * v. 2 Cases of Olive Oil. Default decree of condemnation, forfeiture, and sale. (F. & D. No. 9186. I. S. No. 12510-r. S No. E-1071.)

On July 18, 1918, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel of information praying the seizure and condemnation of two cases of olive oil, consigned on or about June 12, 1918, remaining unsold in the original unbroken packages at Peabody, Mass., alleging that the article had been shipped by Mournouris & Colmiris, New York, N. Y., and transported from the State of New York into the State of Massachusetts, charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled "Olive Oil."

Adulteration of the article was alleged in the libel of information for the reason that it consisted wholly or in part of cottonseed oil and corn oil, which had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength.

Misbranding of the article was alleged for the reason that the labels of the packages bore a certain statement which was false and misleading, that is to say, the words "Olive Oil," in that said product was not olive oil; and for the further reason that it was an imitation of, and was offered for sale under the distinctive name of, another article, to wit, olive oil, whereas, in truth and in fact, it was not olive oil.

On January 10, 1919, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be properly branded, denoting that the contents consisted almost wholly of cottonseed oil, instead of olive oil, and should be sold at public auction by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*