

6947. Misbranding of olive oil. U. S. * * * v. Poletti, Coda and Rebecchi, a corporation. Plea of guilty. Fine, \$40. (F. & D. No. 9443. I. S. No. 1366-p.)

On March 12, 1919, 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 Poletti, Coda and Rebecchi, a corporation, New York, N. Y., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about July 7, 1917, from the State of New York into the State of Connecticut, of a quantity of an article, labeled in part "Poletico Brand Sublime Pure Olive Oil," which was misbranded.

Examination of samples of the article by the Bureau of Chemistry of this department showed the average shortage on 10 cans of the gallon size to be 4.5 fluid ounces or 3.5 per cent, and on 10 cans of the quart size to be 1.8 fluid ounces or 5.6 per cent.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "One Gallon," or "One Quart," borne on the cans containing the article, regarding it, was false and misleading in that it represented that said cans contained not less than 1 gallon or 1 quart, as the case might be, 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 contained not less than one gallon or one quart of the article, whereas, in truth and in fact, said cans contained less than 1 gallon or 1 quart of the article. Misbranding of the article 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 April 2, 1919, the defendant company entered a plea of guilty to the information, and the court imposed a fine of \$40.

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

6948. Misbranding of olive oil. U. S. * * * v. Poletti, Coda and Rebecchi, a corporation. Plea of guilty. Fine, \$20. (F. & D. No. 9444. I. S. No. 2013-p.)

On March 12, 1919, 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 Poletti, Coda and Rebecchi, a corporation, New York, N. Y., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about January 22, 1918, from the State of New York into the State of Connecticut, of a quantity of an article, labeled in part "Riviera Pure Olive Oil Extra Virgin Sublime," which was misbranded.

Examination of a sample of the article by the Bureau of Chemistry of this department showed it to be short measure.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "Contains One Full Pint," borne on the cans containing the article, regarding it, was false and misleading in that it represented that said cans contained not less than 1 pint 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 said cans contained not less than 1 pint of the article, whereas, in truth and in fact, said cans contained less than 1 pint of the article. Misbranding of the article 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.