

and injuriously affect its quality and strength, and quantities of both oils had been substituted wholly or in part for olive oil, which the article purported to be.

Misbranding of the article was alleged for the reason that the labels on the cans bore certain statements, words, and devices, regarding the article, to wit, "Finest Quality Table Oil Tipo Imerese cottonseed oil slightly flavored with Olive Oil Cicilia Atalia. Guaranteed Absolutely Pure (representation of an olive tree and natives picking olives)," which were false and misleading, and which statements, words, and devices were intended to be of such a character as to induce the purchaser to believe that the product was olive oil, when, in truth and in fact, it was not, said false and misleading impression not being corrected by the words [which appear] in inconspicuous type, to wit, "cottonseed salad oil flavored slightly with Olive Oil," and for the further reason that it purported to be a foreign product, when, in truth and in fact, it was a product of domestic manufacture packed in the United States, 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, and for the further reason that the labels on the cans bore the words "One Gallon Net," "One Half Gallon Net," and "One Quarter Gallon Net," whereas there was an average shortage in each purported gallon of 7.2 per cent, in each purported $\frac{1}{2}$ -gallon of 10.20 per cent, and in each purported $\frac{1}{4}$ -gallon of 12 per cent. 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 in terms of weight, measure, or numerical count.

On November 3, 1919, Giuseppe Battaglia, New York, N. Y., claimant, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be delivered to said claimant upon the payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act.

E. D. BALL, *Acting Secretary of Agriculture.*

7482. Misbranding of candy. U. S. * * * v. Beinhauer Bros. Candy Co., a corporation. Plea of guilty. Fine, \$10. (F. & D. No. 11031. I. S. No. 14948-r.)

On November 7, 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 Beinhauer Bros. Candy Co., a corporation, New York, N. Y., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on February 7, 1919, from the State of New York into the State of Pennsylvania, of a quantity of candy which was misbranded.

Inspection of the pails in which the article was shipped, by a representative of the Bureau of Chemistry of this department at the consignee's place of business, failed to indicate any marks to show contents or statement of net weight.

Misbranding of the article was alleged in the information for the reason that it was food in package form, and the quantity of the contents of the package was not plainly and conspicuously marked on the outside thereof in terms of weight, measure, or numerical count.

On November 12, 1919, the defendant company entered a plea of guilty to the information, and the court imposed a fine of \$10.

E. D. BALL, *Acting Secretary of Agriculture.*