

urine, felons, wetting the bed, muscular rheumatism, diseases of the skin, abscesses, ulcers, cavities with pus, after-pains, vomiting, and white flooding or white flowers, when, in truth and in fact, it was not.

On December 15, 1919, the defendant entered a plea of nolo contendere to the information, and the court imposed a fine of \$50.

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

7628. Adulteration and misbranding of olive oil. U. S. * * * v. Gabriel Carbateas and Nicholas S. Monahos (N. S. Monahos). Plea of guilty. Fine, \$75. F. & D. No. 9866. I. S. Nos. 12519-r, 12353-r, 13669-r, 15615-r, 15616-r, 16015-r, 16016-r.)

On January 3, 1920, 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 Gabriel Carbateas and Nicholas S. Monahos, a partnership doing business as N. S. Monahos, New York, N. Y., alleging shipment by said defendants, in violation of the Food and Drugs Act, as amended, on or about June 10, 1918, July 13, 1918, August 10, 1918, August 22, 1918, July 3, 1918, and August 6, 1918, from the State of New York into the States of Ohio, Massachusetts, and Florida, and into the District of Columbia, of a quantity of olive oil which was adulterated and misbranded. The article was labeled in part, "Olio Sopraffino Olivola * * * Packed by NSM New York," "Finest Quality Table Oil Insuperabile Termini Imerese," and "Francescani Brand."

Analyses of samples of the article made in the Bureau of Chemistry of this department showed it to consist of cottonseed oil and to be short volume.

Adulteration of the article in each shipment, except the Francescani brand, in the shipment of August 22, 1918, 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 labeled in part, "Olivola Olive Oil" and "Termini Imerese Olive Oil," in the shipments on June 10, 1918, August 22, 1918, July 13, 1918, August 6, 1918, and August 10, 1918, was alleged for the reason that the statements, to wit, "Olio Sopraffino Olivola," "Net Contents $\frac{1}{2}$ Gallon" or "1 Gallon" or " $\frac{1}{4}$ Gallon," not corrected by the statement "Winterpressed cottonseed salad oil flavored slightly with pure olive oil," 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, and that each of said cans contained $\frac{1}{2}$ gallon or 1 gallon or $\frac{1}{4}$ gallon 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 each of said cans contained $\frac{1}{2}$ gallon or 1 gallon or $\frac{1}{4}$ gallon 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 each of said cans did not contain $\frac{1}{2}$ gallon or 1 gallon or $\frac{1}{4}$ gallon of the article, but contained a less amount, and for the further reason that it was a mixture composed in 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 labeled in part, "Francescani Brand," in the shipment of August 22, 1918, was alleged for the reason that the statements, to wit, "Francescani Brand," together with the designs and devices of a crown and olive branches and "Net Contents $\frac{1}{2}$ Gallon," not corrected by the statement in inconspicuous type "Winterpressed cottonseed salad oil flavored slightly with pure olive oil a compound," 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 and contained $\frac{1}{2}$ gallon of the article, whereas, in truth and in fact, the article was not olive oil, but was a mixture composed in part of cottonseed oil, and each can did not contain $\frac{1}{2}$ gallon of the article, but a less amount. Further misbranding was alleged in that the article was a mixture composed in part of cottonseed oil prepared in imitation of olive oil, and was sold under the distinctive name of another article, to wit, olive oil. Further misbranding was alleged in that it was labeled so as to deceive and mislead the purchaser into the belief that the article was olive oil, and that each can contained $\frac{1}{2}$ 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 each can contained less than $\frac{1}{2}$ gallon. Further misbranding was alleged in 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 March 17, 1920, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$75.

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

7629. Adulteration and misbranding of feed meal. U. S. * * * v. Shellabarger Elevator Co., a corporation. Plea of guilty. Fine, \$50 and costs. (F. & D. No. 10771. I. S. No. 10676-r.)

On December 15, 1919, the United States attorney for the Southern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Shellabarger Elevator, Co., a corporation, Decatur, Ill., alleging shipment by said company, in violation of the Food and Drugs Act, on or about June 7, 1918, from the State of Illinois into the State of Indiana, of a quantity of an article, labeled in part "Feed Meal," which was adulterated and misbranded.

Analysis of a sample of the article made in the Bureau of Chemistry of this department showed the following results:

| | Per cent. |
|--------------------------------|-----------|
| Ether extract (crude fat)----- | 2.62 |
| Crude protein----- | 8.69 |

Article consists principally of a product from yellow and white corn with the addition of what appeared to be ground screenings, consisting of pieces of wheat, oats, kafir, weed seeds, and chaff.

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

Misbranding of the article was alleged for the reason that the statements, to wit, "Not less than 3.0 per cent of crude fat, 9.0 per cent of crude protein" and "Compounded from the following ingredients: Corn Feed Meal," borne on the tags attached to the sacks containing the article, regarding it and the ingredients and substances contained therein, were false and misleading in that they represented that the article contained not less than 3 per cent of crude fat and 9 per cent of crude protein and was compounded from corn feed meal, 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 3 per cent of crude fat and 9 per cent of crude protein and was compounded from corn feed meal, whereas, in truth and in fact, it contained less than 3 per cent of crude fat and less than 9 per cent of crude protein and was not compounded from corn feed meal, but was a mixture consisting of corn feed meal and screenings; and