

United States Department of Agriculture,

BUREAU OF CHEMISTRY.

C. L. ALSBERG, Chief of Bureau.

SERVICE AND REGULATORY ANNOUNCEMENTS. SUPPLEMENT.

N. J. 7751-7800.

[Approved by the Acting Secretary of Agriculture, Washington, D. C., November 9, 1920.]

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT.

[Given pursuant to section 4 of the Food and Drugs Act.]

7751. Adulteration and misbranding of so-called olive oil. U. S. * * * v. Accursio Dimino. Plea of guilty. Fine, \$30. (F. & D. No. 11975, I. S. No. 13831-r.)

On May 24, 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 Accursio Dimino, New York, N. Y., alleging shipment by said defendant, in violation of the Food and Drugs Act, as amended, on January 27, 1919, from the State of New York into the State of New Jersey, of a quantity of so-called olive oil which was adulterated and misbranded. The article was labeled, "Finest Quality Olive Oil Extra Pure" (design of olive tree and natives gathering olives) "of Termini Imerese Italy Sicilia—Italia 1 Gallon Net Guaranteed Absolutely Pure."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted of a mixture of cottonseed and corn oils, and that the cans were short volume.

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

Misbranding of the article was alleged for the reason that the statements, to wit, "Finest Quality Olive Oil Extra Pure of Termini Imerese Italy Sicilia—Italia," "1 Gallon Net," and "Guaranteed Absolutely Pure," 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 article produced in the kingdom of Italy, and that each of said cans contained 1 full 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 the article was olive

oil, that it was a foreign product, to wit, an olive oil produced in the kingdom of Italy, and that each of said cans contained 1 full gallon 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 corn oil; it was not a foreign product, to wit, an olive oil produced in the kingdom of Italy, but was a domestic product, to wit, an article produced in the United States of America, and each of said cans did not contain 1 full gallon of the article, but did contain a less amount; for the further reason that said article was a mixture composed in large part of cottonseed oil and corn oil prepared in imitation of olive oil, and was offered for sale and sold under the distinctive name of another article, to wit, olive oil; for the further reason that it was falsely branded as to the country in which it was manufactured and produced in that it was an article manufactured and produced in the United States of America, and was branded as manufactured and produced in the kingdom of Italy; for the further reason that the statements on the cans as aforesaid purported said article to be a foreign product, when not so; and for the further reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On May 26, 1920, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$30.

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

7752. Adulteration and misbranding of so-called olive oil. U. S. * * * v. Accursio Dimino. Plea of guilty. Fine, \$75. (F. & D. No. 11976. I. S. No. 13830-r.)

On April 21, 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 Accursio Dimino, New York, N. Y., alleging shipment by said defendant, in violation of the Food and Drugs Act, as amended, on January 31, 1919, from the State of New York into the State of Pennsylvania, of a quantity of so-called olive oil which was adulterated and misbranded. The article was labeled, "Finest Quality Olive Oil Extra Pure" (design of olive tree and natives gathering olives) "Termini Imerese Italy Sicilia-Italia 1 gallon Net Guaranteed Absolutely Pure."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted almost entirely of cottonseed oil, and that the cans were short volume.

Adulteration of the article 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 and reduce and injuriously affect its quality and strength, and had been substituted in large part for olive oil, which the article purported to be.

Misbranding was alleged for the reason that the statements, to wit, "Finest Quality Olive Oil Extra Pure of Termini Imerese Italy Sicilia—Italia," "1 Gallon Net," and "Guaranteed Absolutely Pure," 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 article produced in the kingdom of Italy, and that each of said cans contained 1 full 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 said article was olive oil, that it was a foreign product, to wit, an olive oil produced in the kingdom of Italy, and that each of said cans contained 1 full gallon thereof, whereas, in truth and in fact, it was not olive oil, but was a mixture composed in large part of