

of Pennsylvania and New Jersey, respectively, of quantities of an article, labeled "Prodotti Italiani Olio di Oliva Pure Olive Oil Sopraffino" (design) "Italia Brand Lucca Toscana Italia Net Contents  $\frac{1}{4}$  Gall.," which was misbranded.

Examination of samples of the article by the Bureau of Chemistry of this department showed an average shortage in the cans of one of the shipments of 1.66 fluid ounces, or 5.19 per cent, and in the cans of the other shipment of 1.77 fluid ounces, or 5.53 per cent.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "Net contents  $\frac{1}{4}$  Gall.," borne on the cans containing the article, regarding it and the ingredients and substances contained therein, was false and misleading in that it represented that each of the cans contained  $\frac{1}{4}$  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 each of said cans contained  $\frac{1}{4}$  gallon net of the article, whereas, in truth and in fact, each of said cans did not contain  $\frac{1}{4}$  gallon of the article, but contained a less amount, 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 5, 1920, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$10.

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

**7757. Misbranding of olive oil. U. S. \* \* \* v. Harry Arony and George Papitsas (Arony & Papitsas). Pleas of guilty. Fine, \$70. (F. & D. No. 11636. I. S. No. 13593-r.)**

On March 30, 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 Harry Arony and George Papitsas, trading as Arony & Papitsas, New York, N. Y., alleging shipment by said defendants, in violation of the Food and Drugs Act, as amended, from the State of New York into the State of Pennsylvania, of a quantity of olive oil which was misbranded. The article was labeled in part, "One Quart General Diaz Pure Olive Oil Guaranteed Superfine" (design) "Lucca Italy Packed by Arony & Papitsas."

Examination of a sample of the article by the Bureau of Chemistry of this department showed the average contents of 2 cans to be 0.938 quart, or an average shortage of 6.2 per cent.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "One Quart," borne on the cans containing the article, regarding it, was false and misleading in that it represented that each of said cans contained 1 quart 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 each of the said cans contained 1 quart of the article, whereas, in truth and in fact, each of the cans did not contain 1 quart of the article, but contained a less amount. Misbranding was alleged 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 March 31, 1920, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$35 on each defendant, or an aggregate fine of \$70.

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