

**7835. Misbranding of olive oil. U. S. \* \* \* v. Socrates Moscahlades and Stylianos Moscahlades (Moscahlades Bros.). Plea of guilty. Fine, \$75. (F. & D. No. 11966. I. S. No. 14965-r.)**

On March 15, 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 Socrates Moscahlades and Stylianos Moscahlades, trading and doing business under the name of Moscahlades Bros., at New York, N. Y., alleging shipment by the said defendants, in violation of the Food and Drugs Act, as amended, on or about January 29, 1919, from the State of New York into the State of Delaware, of a quantity of an article, labeled in part "Apollo Brand Extra Refined Pure Olive Oil Specially Imported and Packed by Moscahlades Bros. N. Y. Guaranteed By Us Net Contents  $\frac{1}{4}$  Gallon," which was misbranded.

Analyses of samples of the article by the Bureau of Chemistry of this department showed that the cans were short volume.

Misbranding of the article was alleged in the information in that a statement regarding the article on the label on the can containing the article, to wit, " $\frac{1}{4}$  Gallon," was false and misleading in that it represented that each can contained  $\frac{1}{4}$  gallon of the article, whereas it contained a less amount; said article was further misbranded in that the above labeling was so as to deceive and mislead the purchaser into the belief that each can contained  $\frac{1}{4}$  gallon of the article, whereas it contained a less amount. The article was further misbranded 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 24, 1920, the defendants entered a plea of guilty to the information, and the court imposed a fine of \$75.

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

**7836. Adulteration and misbranding of canned tomatoes. U. S. \* \* \* v. 600 Cases and 800 Cases \* \* \* Duke of Maryland Brand Tomatoes. Consent decree of condemnation and forfeiture. Product ordered released under bond. (F. & D. Nos. 11553, 11554. I. S. Nos. 13986-r, 13987-r. S. Nos. E-1876, E-1887.)**

On December 16, 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 libels for the seizure and condemnation of 600 cases and 800 cases, each containing 24 cans, labeled "Duke of Maryland Brand Tomatoes," remaining unsold in the original unbroken packages at New York, N. Y., alleging that the article had been shipped on or about October 7, 1919, and October 24, 1919, by J. B. Andrews & Co., Hurlock, Md., and transported from the State of Maryland into the State of New York, and charging adulteration and misbranding under the Food and Drugs Act. The article was labeled in part, "Duke of Maryland Brand Tomatoes \* \* \* Packed by J. B. Andrews & Co. Hurlock, Md."

Adulteration of the article was alleged in the libels for the reason that tomato pulp had been mixed and packed with, and substituted wholly or in part for, canned tomatoes, which the product purported to be.

Misbranding of the article was alleged for the reason that the package and its label bore statements, designs, and devices regarding the article and the ingredients and substances contained therein which were false and misleading and deceived and misled the purchaser, and for the further reason that the article was an imitation of and was offered for sale and sold under the distinctive name of, another article, to wit, tomatoes.

On February 20, 1920, Albert W. Sisk, claimant, having filed a stipulation admitting the truth of the allegations of the libel and consenting to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to said claimant upon the payment of the costs of the proceedings and the execution of bonds in the sums of \$1,200 and \$900, in conformity with section 10 of the act.

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

**7837. Adulteration of evaporated apples. U. S. \* \* \* v. 300 Boxes of Evaporated Apples. Consent decree of condemnation and forfeiture. Product released on bond. (F. & D. No 11895. I. S. No 3091-r. S. No. W-566.)**

On or about January 25, 1920, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 300 boxes of evaporated apples, remaining unsold in the original unbroken packages at Denver, Colo., alleging that the article had been shipped on or about October 27, 1919, consigned by A. C. Hamilton & Co., Fayetteville, Ark., and transported from the State of Arkansas into the State of Colorado, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part, "Ulster Brand Evaporated Apples. Packed by A. C. Hamilton and Co., Fayetteville, Ark. Prepared with Salt in Solution."

Adulteration of the article was alleged in the libel in that water had been mixed and packed with the article so as to reduce and lower and injuriously affect the quality and strength of the article, and for the further reason that water had been substituted in part for evaporated apples.

On February 28, 1920, W. J. Hamilton, 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 the claimant upon the payment of the costs of the proceedings and the execution of a bond, in conformity with section 10 of the act.

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

**7838. Adulteration and misbranding of canned tomatoes. U. S. \* \* \* v. 2,132 Cases of Canned Tomatoes. Consent decree of condemnation and forfeiture. Product released on bond. (F. & D. No. 12072. I. S. Nos. 9091-r, 9092-r. S. No. C-1680.)**

On January 17, 1920, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 2,132 cases of canned tomatoes, remaining unsold in the original unbroken packages at St. Louis, Mo., alleging that the article had been shipped on October 31, 1919, and November 3, 1919, by the Chino Canning Co., Chino, Calif., and transported from the State of California into the State of Missouri, and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel in that tomato pulp had been mixed and packed with, and substituted in part for, canned tomatoes.

Misbranding of the article was alleged in the libel in that the statements on the label on the cans containing the article, to wit, "La Segunda Brand Table Quality Tomatoes" (picture of whole tomato) "California Grown with Pure Tomato Juice Where Everything Grows Chino Canning Company Chino Calif. Net Contents 1 lb. 12 oz.," were false and misleading, and deceived and misled the purchaser into the belief that the product consisted wholly of tomatoes,