

and reduce and injuriously affect its quality and strength and had been substituted in part of cider vinegar, which the said article purported to be.

Misbranding was alleged for the reason that the statement, to wit, "Cider Vinegar," borne on the labels attached to the bottles containing the article, regarding the said article and the ingredients and substances contained therein, was false and misleading in that the said statement represented that the article consisted wholly of cider vinegar, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it consisted wholly of cider vinegar, whereas, in truth and in fact, it did not so consist but did consist in part of added water.

On January 13, 1923, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$10.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11682. Adulteration and misbranding of oats. U. S. v. 200 Sacks of Oats. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 16091. I. S. No. 4257-t. S. No. C-3496.)

On April 11, 1922, the United States attorney for the Eastern District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 200 sacks of oats, remaining in the original unbroken packages at Jellico, Tenn., alleging that the article had been shipped by Callahan & Sons, Louisville, Ky., March 25, 1922, and transported from the State of Kentucky into the State of Tennessee, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Average Net Weight 159 1/4 Lbs. * * * Callahan's Dixie Oats."

Adulteration of the article was alleged in the libel for the reason that wild oats, barley, corn, weed seeds, chaff, and dirt had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted in part, if not in whole, for the said article.

Misbranding was alleged for the reason that the article was an imitation of and offered for sale under the distinctive name of another article, to wit, No. 3 white oats.

On October 18, 1922, Callahan & Sons, Louisville, Ky., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$300, in conformity with section 10 of the act, conditioned in part that it be relabeled "Oats and Screenings."

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11683. Adulteration and misbranding of olive oil. U. S. v. George Vafier (Pan-Italian Commercial Co.). Plea of guilty. Fine, \$200. (F. & D. No. 16240. I. S. Nos. 6609-t, 6610-t, 8505-t, 12376-t.)

On September 27, 1922, 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 George Vafier, trading as the Pan-Italian Commercial Co., New York, N. Y., alleging shipment by said defendant, in violation of the Food and Drugs Act, as amended, from the State of New York, in various consignments, namely, on or about April 1 and 4, 1921, respectively, into the State of Connecticut, on or about April 12, 1921, into the State of Ohio, and on or about September 23, 1921, into the State of Maryland, of quantities of alleged olive oil which was adulterated and misbranded. The article was labeled in part, variously: "Montone Brand * * * Pure Italian Olive Oil Extra Virgin * * * Net Contents One Gallon;" "Net Contents Full Gallon * * * Olio Sopraffino Qualita Superiore Olio Finissimo Cotton Seed And Olive Oil A Compound Tripolitania Brand;" "Finest Quality Table Oil * * * Termini Imerese Type Net Contents One Gallon Cotton Seed Salad Oil Slightly Flavored With Olive Oil;" "Lucca Brand Lucca Olio Sopraffino D'Oliva * * * 1 Gallon Net Excellent For Table And Medicinal Use."

Analyses of samples of the article by the Bureau of Chemistry of this department showed the following results: The Montone brand oil contained approximately 44 per cent of peanut oil; examination of 14 cans showed an average volume of 0.973 gallon. The Tripolitania brand showed the presence of soya bean oil and peanut oil; examination of 3 cans showed an average volume of 0.955 gallon. The Termini Imerese Type oil consisted of peanut oil with about 5 per cent of cottonseed oil and very little, if any, olive oil; examination of 17

cans showed an average volume of 0.931 gallon. The Lucca brand contained approximately 44 per cent of peanut oil; examination of 3 cans showed an average volume of 0.956 gallon.

Adulteration of the article was alleged in the information for the reason that oil or oils other than olive oil had been substituted in whole or in part for olive oil, which the article purported to be.

Adulteration was alleged with respect to the said Lucca brand oil, considered as a drug, for the reason that it was sold under and by a name recognized in the United States Pharmacopœia and differed from the standard of strength, quality, and purity as determined by the test laid down in said Pharmacopœia, official at the time of investigation, in that it was an oil or oils other than olive oil derived from a source other than the ripe fruit of *Olea europœa*, whereas the said Pharmacopœia provides that olive oil be derived from the ripe fruit of *Olea europœa*, and the standard and the strength, quality, and purity of the said article was not declared on the container thereof.

Misbranding was alleged for the reason that the statements, to wit, "Pure Italian Olive Oil * * * Extra Superior Quality Olive Oil Guaranteed Under Chemical Analysis" and "Net Contents One Gallon," borne on the cans containing the Montone brand, the statements, to wit, "Olio Sopraffino Qualita Superiore Olio Finissimo" and "Olive Oil Tripolitania Brand," borne in prominent type on the cans containing the Tripolitania brand, not corrected by the statement in inconspicuous type, "Cottonseed," preceding the words, "Olive Oil," together with the design and devices of Italian shields, crowns, medals, and olive leaves, and the statement, to wit, "Net Contents Full Gallon," borne on the cans containing the said Tripolitania brand, the statements, to wit, "Finest Quality Table Oil * * * Termini Imerese * * * Net Contents One Gallon," not corrected by the statement, "Cotton Seed Salad Oil Slightly Flavored With Olive Oil," together with the design and device of an olive tree with natives gathering olives, borne on the cans containing the Termini Imerese Type oil, and the statements, to wit, "Lucca Brand * * * Olio Sopraffino D'Oliva," "Excellent For Table And Medicinal Use," and "1 Gallon Net," together with the design and devices of branches bearing olives, borne on the cans containing the Lucca brand, regarding the article and the ingredients and substances contained therein, were false and misleading in that the said statements, designs, and devices represented 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 the said cans contained 1 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 it was olive oil, that it was a foreign product, to wit, an olive oil produced in the kingdom of Italy, and that each of the said cans contained 1 gallon net of the article, whereas, in truth and in fact, it was not olive oil, but was an oil or mixture of oils other than olive 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 gallon net of the article, but did contain a less amount. Misbranding was alleged with respect to the said Montone brand and the Lucca brand for the further reason that it was an oil or mixture of oils other than olive 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. Misbranding was alleged with respect to the Montone brand, the Tripolitania brand, and the Termini Imerese Type oil for the further reason that it purported to be a foreign product when not so. Misbranding was alleged with respect to all of the said article 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.

On February 26, 1923, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$200.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11684. Adulteration of pepper relish, celery relish, and piccalilli. U. S. v. 52 Bottles of Pepper Relish, 52 Bottles of Celery Relish, and 78 Bottles of Piccalilli. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 16309. I. S. Nos. 18519-t, 18521-t, 18522-t. S. No. C-3623.)

On May 10, 1922, the United States attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 52 bottles of pepper relish, 52 bottles of celery relish, and 78 bottles of piccalilli, remaining unsold in the original unbroken pack-