

ment by said company, in violation of the food and drugs act, on or about August 30, 1922, from the State of Illinois into the State of Massachusetts, of a quantity of butter which was adulterated and misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained excessive moisture and was deficient in butterfat.

Adulteration of the article was alleged in the information for the reason that a product deficient in milk fat and containing an excessive amount of water had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and had been substituted in part for butter, which the article purported to be. Adulteration was alleged for the further reason that a valuable constituent of the article, to wit, milk fat, had been in part abstracted.

Misbranding was alleged for the reason that the article was a product deficient in milk fat and contained an excessive amount of water, prepared in imitation of and offered for sale and sold under the distinctive name of another article, to wit, butter.

On February 5, 1924, a plea of nolo contendere to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100 and costs.

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

12228. Adulteration and misbranding of olive oil. U. S. v. Christos A. Touris. Plea of guilty. Fine, \$120. (F. & D. No. 16557. I. S. No. 17003-t.)

On December 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 Christos A. Touris, New York, N. Y., alleging shipment by said defendant, in violation of the food and drugs act, as amended, on or about September 16, 1921, from the State of New York into the District of Columbia, of a quantity of olive oil which was adulterated and misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it was a mixture of olive oil and peanut oil. Examination by said bureau showed that the cans contained less than 1 gallon net of the article.

Adulteration of the article was alleged in the information for the reason that certain substances, to wit, peanut oil or oil other than olive oil, had been substituted in whole or in part for Italian olive oil, which the said 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," borne on the cans containing the article, regarding the said article and the ingredients and substances contained therein, were false and misleading in that they represented that the article was pure olive oil, that it consisted wholly of a foreign product, to wit, an olive oil produced in Sicily in the Kingdom of Italy, and that each of the said cans contained 1 gallon net of the said 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 pure olive oil, that it consisted wholly of a foreign product, and that each of the said cans contained 1 gallon net of the article, whereas, in truth and in fact, it was not pure olive oil, but was a mixture composed in part of peanut oil and oil other than olive oil; it was not a foreign product, to wit, an olive oil produced wholly in Sicily, in the Kingdom of Italy, but was in whole or in part a domestic product, to wit, peanut oil and oil other than olive oil produced in the Kingdom of Italy, and each of said cans did not contain 1 gallon net of the article but did contain a less amount. Misbranding was alleged for the further reason that the article was offered for sale and was sold under the distinctive names of other articles, to wit, olive oil and olive oil of Termini Imerese, Italy—that is to say, Italian olive oil. 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 April 7, 1924, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$120.

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