

Feed was alleged in substance for the reason that the statement, to wit, "Guaranteed analysis: Protein 7.75% Fat 2.50 [2.00] % Ingredients: Corn, Ground Hay, Ground Cottonseed Hulls, Molasses," borne on the bags containing the article, regarding it and the ingredients and substances contained therein, was false and misleading in that it represented that the article contained not less than 7.75 per cent of protein and not less than 2.50 [2.00] per cent of fat, and that it consisted exclusively of corn, ground hay, ground cottonseed hulls, and molasses, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained not less than 7.75 per cent of protein and not less than 2.50 [2.00] per cent of fat, and that it consisted exclusively of corn, ground hay, ground cottonseed hulls, and molasses, whereas, in truth and in fact, it contained less than 7.75 per cent of protein and less than 2.50 [2.00] per cent of fat, and did not consist exclusively of corn, ground hay, ground cottonseed hulls, and molasses, but contained 6.50 per cent of protein and 1.63 per cent of fat and contained kafir or milo, and added oats.

On May 20, 1918, the defendant company entered a plea of guilty to the information, and the court imposed a fine of \$50 and costs.

C. F. MARVIN, *Acting Secretary of Agriculture.*

6891. Misbranding of cracked cottonseed feed. U. S. * * * v. Hunt County Oil Co., a corporation. Plea of guilty. Fine, \$10. (F. & D. No. 9348. I. S. No. 21699-m.)

On March 31, 1919, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Hunt County Oil Co., a corporation, Wolfe City, Texas, alleging shipment by said company, in violation of the Food and Drugs Act, on or about April 3, 1917, from the State of Texas into the State of New Mexico, of a quantity of an article, labeled in part "First Grade Cracked Cotton Seed Feed * * * Protein 43.00 per cent * *. * Hunt County Oil Company, Wolfe City, Texas," which was misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the following result:

Protein (N x 6.25) (per cent)----- 40.12

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "Protein 43.00 per cent," borne on the tags attached to the sacks containing the article, regarding it and the ingredients and substances contained therein, was false and misleading in that it represented that the article contained not less than 43.00 per cent of protein, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained not less than 43 per cent of protein, whereas, in truth and in fact, it contained less than 43 per cent of protein, to wit, approximately 40.12 per cent of protein.

On May 10, 1919, the defendant company entered a plea of guilty to the information, and the court imposed a fine of \$10.

C. F. MARVIN, *Acting Secretary of Agriculture.*

6892. Adulteration and misbranding of olive oil. U. S. * * * v. Michael Montagnino and Ignatius Scaduto (Montagnino & Scaduto). Pleas of guilty. Fine, \$22.50. (F. & D. No. 9352. I. S. No. 1228-p.)

On January 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 an information against

Michael Montagnino and Ignatius Scaduto, trading as Montagnino & Scaduto, New York, N. Y., alleging shipment by said defendants, in violation of the Food and Drugs Act, as amended, on Feb. 1, 1918, from the State of New York into the State of Connecticut, of a quantity of an article, labeled in part "Finest Quality Olive Oil Extra Pure," and "1 Gallon Net," " $\frac{1}{2}$ Gallon Net," and " $\frac{1}{4}$ Gallon Net," which was adulterated and misbranded.

Analysis of samples of the article by the Bureau of Chemistry of this department showed a positive test for corn oil with nitric acid and indicated the presence of over 50 per cent corn oil, and each size can was short volume.

Adulteration of the article was alleged in the information for the reason that a substance, to wit, 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 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," "Termini Imerese Sicilia-Italia," "Guaranteed Absolutely Pure," and "1 Gallon Net," or " $\frac{1}{2}$ Gallon Net," or " $\frac{1}{4}$ Gallon Net," 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 pure olive oil, that it was a foreign product, to wit, an olive oil produced in Sicily, in the kingdom of Italy, and that each of said cans contained one gallon or one-half gallon, or one-quarter 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 the article was pure olive oil, that it was a foreign product, to wit, an olive oil produced in Sicily, in the kingdom of Italy, and that each of said cans contained one gallon, or one-half gallon, or one-quarter 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 corn oil, and was not a foreign product, to wit, an olive oil produced in Sicily, in the kingdom of Italy, but was a domestic product, to wit, a product produced in the United States of America, and each of said cans did not contain one gallon, or one-half gallon, or one-quarter gallon net of the article, but contained less amounts. Misbranding of the article was alleged for the further reason that it was falsely branded as to the country in which it was manufactured and produced, in that it was a product manufactured and produced in whole or in part in the United States of America and was branded as manufactured and produced in the kingdom of Italy; and for the further reason that it was a mixture composed in part of 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, and for the further reason that said statements borne on the cans purported that it was a foreign product, when not so. Misbranding of the article was alleged 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 packages.

On January 29, 1919, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$22.50.

C. F. MARVIN, *Acting Secretary of Agriculture*.

6893. Misbranding of olive oil. U. S. * * * v. Nicholas Gamanos and George Booskos (Gamanos & Booskos). Tried to the court and a jury. Verdict of guilty as to second count of information, charging misbranding. Fine, \$150. First count of information, charging adulteration, dismissed. (F. & D. No. 9353. I. S. No. 2010-p.)

On March 5, 1919, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the