

7699. Adulteration and misbranding of olive oil. U. S. * * * v. Giuseppe Battaglia (Southern Importing Co.). Plea of guilty. Fine, \$38.
(F. & D. No. 11969. I. S. Nos. 13595-r, 14205-r, 14208-r, 14209-r, 14210-r, 14211-r, 14212-r, 14213-r, 14214-r, 14215-r, 14224-r, 14225-r.)

On May 3, 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 Giuseppe Battaglia, trading as the Southern Importing Co., New York, N. Y., alleging shipment on or about May 27, 1919, May 2, 1919, June 26, 1919, and April 11, 1919, in violation of the Food and Drugs Act, as amended, from the State of New York into the State of Connecticut, of quantities of olive oil which was adulterated and misbranded. The article was labeled as follows: "Finest Quality Table Oil Tipo Termini Imerese Cottonseed oil slightly flavored with Olive Oil Oicilia—Atalia Guaranteed Absolutely Pure, 1 Gallon Net," "Finest Quality Table Oil Cottonseed salad oil flavored slightly with Olive Oil Packed by Southern Importing Co. New York $\frac{1}{2}$ Gallon Net" or " $\frac{1}{4}$ Gallon Net," and "Olive Oil specialty Olive Oil 1 Gallon Net."

Analyses of samples of the product made by the Bureau of Chemistry of this department showed that the table oil consisted of cottonseed oil or soya-bean oil or a mixture of these oils and that the cans were short volume. The "Olive Oil Specialty" was short volume.

Adulteration of the article was alleged in the information in substance for the reason that substances, to wit, cottonseed oil or soya-bean oil or cottonseed oil and soya-bean oil, had been mixed and packed with the article, designated under the labels, "Finest Quality Table Oil Tipo Termini Imerese" and "Finest Quality Table Oil," 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 in substance in the information for the reason that the statements, to wit, "Finest Quality Table Oil Tipo Termini Imerese Oicilia—Italia" and "1 Gallon Net" or " $\frac{1}{2}$ Gallon Net" or " $\frac{1}{4}$ Gallon Net" together with the designs and devices of an olive tree and natives gathering olives, not corrected by the statement in inconspicuous type, "Cottonseed oil slightly flavored with Olive Oil," and "Finest Quality Table Oil" and "Cottonseed salad oil flavored slightly with Olive Oil," borne on the cans containing the article, regarding it and the ingredients and substances contained therein, were false and misleading and labeled so as to deceive and mislead the purchaser in that they represented that said article was an olive oil, that said article was a foreign product, to wit, an olive oil produced in the kingdom of Italy, and that each of said cans contained 1 gallon or $\frac{1}{2}$ gallon or $\frac{1}{4}$ gallon net of the article, whereas, in truth and in fact, said article was not olive oil, but was a mixture composed in large part of cottonseed oil or soya-bean oil or cottonseed oil and soya-bean oil, and said article was not a foreign product, to wit, 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 or $\frac{1}{2}$ gallon or $\frac{1}{4}$ gallon net of the article, but did contain a less amount. Misbranding of the article, designated under the label "Olive Oil Specialty," was alleged for the reason that it was labeled "1 Gallon Net," whereas it was short volume. Further misbranding of the article was alleged for the reason that said 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 26, 1920, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$38.

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

7700. Adulteration of Chili peppers. U. S. * * * v. 12 Sacks of Chili Peppers. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 9921. I. S. No. 7018-r. S. No. C-1111.)

On March 20, 1919, 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 condemnation and forfeiture of 12 sacks of Chili peppers, remaining unsold in the original unbroken packages at St. Louis, Mo., alleging that the article had been shipped on or about February 3, 1919, by J. A. Knapp, Garden Grove, Calif., and transported from the State of California into the State of Missouri, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid vegetable substance.

On March 23, 1920, no claimant having appeared for the property, a default decree of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

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