

cottonseed 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 full gallon of the article, but did contain a less amount; for the further reason that said article was a mixture composed in large part of cottonseed 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; for the further reason that it was falsely branded as to the country in which it was manufactured and produced, in that it was an article manufactured and produced 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 food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On April 28, 1920, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$75.

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

7753. Adulteration of Techtol U. S. * * * v. 1 50-Gallon Barrel of Techtol. Default decree of condemnation, forfeiture, and destruction.
(F. & D. No. 12176. I. S. No. 17415-r. S. No. E-1967.)

On February 16, 1920, the United States attorney for the District of Maryland, 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 1 50-gallon barrel of Techtol, remaining unsold in the original unbroken package at Baltimore, Md., alleging that the article had been shipped by the Economic Materials Co., Chicago, Ill., consigned July 24, 1919, and transported from the State of Illinois into the State of Maryland, and charging adulteration in violation of the Food and Drugs Act.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed it to be a solution of lactic acid containing excessive quantities of arsenic.

Adulteration of the article was alleged in the libel in that the article contained an added poisonous or other added deleterious ingredient, namely, arsenic, which might render the article injurious to health.

On April 7, 1920, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

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

7754. Adulteration and misbranding of olive oil. U. S. * * * v. Nickitas P. Economou and Nicholas Theodos (N. P. Economou & Theodos). Plea of guilty. Fine, \$60. (F. & D. No. 12290. I. S. Nos. 13585-r, 13586-r.)

On April 30, 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 Nickitas P. Economou and Nicholas Theodos, co-partners, trading as N. P. Economou & Theodos, New York, N. Y., alleging shipment by said defendants, in violation of the Food and Drugs Act, as amended, on April 24, 1919, from the State of New York into the State of Pennsylvania, of quantities of so-called olive oil which was adulterated and misbranded. One of the brands was labeled, "Finest Quality Table Oil Insuperabile" (device of olive tree with natives gathering olives) "Termini Imerese Type Net Contents One Gallon Cottonseed Oil Slightly Flavored with Olive Oil," and the other brand was labeled, "Net

Contents Full $\frac{1}{2}$ Gallon Olio Sopraffino Qualita Superiore Olio Finissimo Cotton Seed and Olive Oil a Compound Tripolitania Brand."

Analyses of samples of the article by the Bureau of Chemistry of this department showed that it consisted essentially of cottonseed oil and that the cans were short volume.

Adulteration of the article was alleged in substance in the information for the reason that a substance, to wit, cottonseed oil, had been mixed and packed with the article so as to lower and reduce and injuriously affect its quality, and had been substituted in part for olive oil, which the article purported to be.

Misbranding of the Termini Imerese Type brand was alleged for the reason that the statements, to wit, "Finest Quality Table Oil Insuperabile Termini Imerese Type" and "Net Contents One Gallon," together with the design and device of an olive tree and natives gathering olives, not corrected by the statement in inconspicuous type, in an inconspicuous place, "Cottonseed oil slightly flavored with olive oil," 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 olive oil, and that each of 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, and that each of said cans contained 1 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, and each of said cans did not contain 1 gallon net of the article, but did contain a less amount.

Misbranding of the Tripolitania brand was alleged for the reason that the statement, to wit, "Olio Sopraffino Qualita Superiore Olio Finissimo Olive Oil * * * Tripolitania Brand," in prominent type, together with designs and devices of Italian flags, shields, crowns, and medals, not corrected by the statements in inconspicuous type "Cotton seed * * *" and "a Compound * * *," and the statement, to wit, "Net Contents full $\frac{1}{2}$ Gallon," 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 olive oil, that it was a foreign product, to wit, an olive oil produced in the kingdom of Italy, and that each of said cans contained 1 full half-gallon 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 a foreign product, to wit, an olive oil produced in the kingdom of Italy, and that each of said cans contained 1 full half-gallon of the article, whereas, in truth and in fact, it was not olive oil, but was a product composed in part of cottonseed 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, a product produced in the United States of America, and each of said cans did not contain 1 full half-gallon of the article, but did contain a less amount; for the further reason that it was a product composed in part of cottonseed 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 the article, by the designs and devices on the label aforesaid, purported to be a foreign product, when not so.

Misbranding of each brand of oil 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 May 12, 1920, a plea of guilty was entered on behalf of the defendant firm, and the court imposed a fine of \$60.

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