

**7829. Adulteration and misbranding of canned tomatoes. U. S. \* \* \* v. 1,996 Cases of Duke of Maryland Brand Tomatoes. Decree of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 11555, 11556. I. S. Nos. 15942-r, 15944-r. S. Nos. E-1899, E-1900.)**

On December 16, 1919, the United States attorney for the Eastern District of Pennsylvania, 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 1,996 cases of Duke of Maryland Brand Tomatoes, remaining unsold in the original unbroken packages at Philadelphia, Pa., alleging that the article had been shipped on or about September 23 and October 24, 1919, by J. B. Andrews & Co., Hurlock, Md., and transported from the State of Maryland into the State of Pennsylvania, and charging adulteration and misbranding under the Food and Drugs Act. The article was labeled in part, "Duke of Maryland Brand Tomatoes Packed by J. B. Andrews, Hurlock, Md."

Adulteration of the article was alleged in the libel for the reason that tomato pulp had been mixed and packed with, and substituted wholly or in part for, canned tomatoes, which the article purported to be, and that the article contained tomato pulp which was filthy, putrid, and decomposed.

Misbranding of the article was alleged for the reason that the statement, "Duke of Maryland Brand Tomatoes," and design showing whole ripe tomatoes, regarding the article and the ingredients and substances contained therein, were false and misleading in that tomato pulp had been mixed and packed with, and substituted wholly or in part for, the tomatoes.

On March 1, 1920, J. B. Andrews & Co., claimant, having consented to a decree and filed a stipulation admitting the averments of the libel, a decree of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to said claimant upon the payment of the costs of the proceedings and the execution of a bond in the sum of \$5,000, in conformity with section 10 of the act.

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

**7830. Adulteration and misbranding of olive oil. U. S. \* \* \* v. Accursio Dimino. Plea of guilty. Fine, \$25. (F. & D. No. 11971. I. S. No. 14943-r.)**

On March 15, 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 Accursio Dimino, New York, N. Y., alleging shipment by said defendant, on January 27, 1919, of an article, and transportation of same, from the State of New York into the State of Pennsylvania, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part, "Finest Quality Olive Oil Termini Imerese."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it was a mixture of oils, possibly soya-bean oil with cottonseed oil, and contained very little, if any, olive oil. The cans were also short volume.

Adulteration of the article was alleged in 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 strength; it was further adulterated in that a substance, to wit, cottonseed oil, had been substituted in large part for olive oil, which the article purported to be.

Misbranding of the article was alleged in that the statements on the cans containing the article, regarding the article, to wit, "Finest Quality Olive Oil," "Extra Pure," "Termini Imerese," "Italy Sicilia—Italia," "1 Gallon Net," and

"Guaranteed Absolutely Pure," were false and misleading in that they represented that the said article was olive oil, that the said article was a foreign product produced in the kingdom of Italy, and that each of the cans contained 1 full gallon of the article, whereas said article was not olive oil, but was a mixture composed in large part of cottonseed oil; said article was not a foreign product produced in the kingdom of Italy, but was a domestic product produced in the United States of America; and each of the cans did not contain 1 full gallon of the article, but contained a less amount. The article was further misbranded in that it 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. The article was further misbranded in 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. Said article was further misbranded in that it was labeled so as to deceive and mislead the purchaser into the belief that the said article was olive oil, that the article was a foreign product, olive oil produced in the kingdom of Italy, and that each can contained 1 full gallon of the article, whereas the article was not an olive oil, but was a mixture composed in large part of cottonseed oil; it was not a foreign product, an olive oil produced in the kingdom of Italy, but was a domestic product, an article produced in the United States of America; and each of the cans contained less than 1 full gallon of the article. The article was further misbranded in that the statements on the cans as above set forth purported said article to be a foreign product, when not so. The article was further misbranded in 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 March 18, 1920, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$25.

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

**7831. Adulteration and misbranding of olive oil. U. S. \* \* \* v. Accursio Dimino. Plea of guilty. Fine, \$25. (F. & D. No. 11970. I. S. No. 13828-r.)**

On March 15, 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 Accursio Dimino, New York, N. Y., alleging shipment by said defendant on January 31, 1919, in violation of the Food and Drugs Act, as amended, and transportation from the State of New York into the State of Pennsylvania, of a quantity of an article, labeled in part "First Pressing Cream Olive Oil; this virgin oil is highly recommended for medicinal and table use," which was adulterated and misbranded.

Examination of samples of the article by the Bureau of Chemistry of this department showed that the product consisted almost entirely of cottonseed oil, and that the cans were short volume.

Adulteration of the article was alleged in the information in that it was sold under and by a name recognized in the United States Pharmacopœia, and then and there differed from the standard of strength, quality, and purity as determined by the tests laid down in said Pharmacopœia, official at the time of investigation of the article, in that the said Pharmacopœia provides that olive oil shall be obtained from the fruit of *olea Europœa*, whereas the article consisted in large part of cottonseed oil, and the standard of the strength, quality, and purity was not declared on the container thereof. Said article was further