

District Court of the United States for said district an information against Gabriel Carbateas and Nicholas S. Monahos, trading as N. S. Monahos, New York, N. Y., alleging shipment by said defendants, in violation of the Food and Drugs Act, as amended, on or about April 16, 1919, from the State of New York into the State of Rhode Island, of a quantity of olive oil which was misbranded. The article was labeled in part, "Extra Fine \* \* \* Olive Oil \* \* \* Net Contents 1 gallon" or "1/2 gallon."

Examination of samples of the article by the Bureau of Chemistry of this department showed an average shortage of 2 per cent in the gallon cans and 1.8 per cent in the 1/2-gallon cans.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "Net Contents 1 Gallon," or "Net Contents 1/2 Gallon," as the case might be, borne on the cans containing the article, regarding the article, was false and misleading in that it represented that each of said cans contained 1 gallon or 1/2 gallon net of the article, and for the further reason that said article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of said cans contained 1 gallon net or 1/2 gallon net of the article, whereas, in truth and in fact, each of said cans did not contain 1 gallon net or 1/2 gallon net of the article, but contained a less amount. 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 August 18, 1920, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$100.

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

**S459. Adulteration and misbranding of alfalfa meal. U. S. \* \* \* v. 420 Sacks of Alfalfa Meal. Default decree of condemnation and forfeiture. Product released on bond. (F. & D. No. 12915. I. S. No. 11647-r. S. No. C-1979.)**

On June 16, 1920, the United States attorney for the Western District of Tennessee, 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 a certain quantity of a certain article, labeled in part "No. 2 Alfalfa Meal," at Memphis, Tenn., alleging that the article had been shipped on or about June 5, 1920, by North Bros., Kansas City, Mo., and transported from the State of Missouri into the State of Tennessee, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted of a mixture of ground alfalfa and prairie hay, or similar material.

Adulteration of the article was alleged in the libel in that materials other than alfalfa meal had been mixed and packed with, and substituted wholly or in part for, alfalfa meal. It was further adulterated in that it was mixed and packed in a manner whereby its inferiority was concealed.

Misbranding of the article was alleged in that it was an imitation of, and was offered for sale under the distinctive name of, another article. Further misbranding was alleged in that it was an article of food in package form, and the quantity of the contents thereof was not marked upon the containers.

On September 9, 1920, North Bros., claimant, having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon the payment of the costs of the proceedings and the filing of a bond in the sum of \$892, in conformity with section 10 of the act.

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