

It was alleged in substance in the libel that the strength and purity of the article fell below the professed standard and quality under which it was sold.

It was further alleged that the article was misbranded in that the label on the cartons contained the statement "A compound of Borated Goldenseal," whereas it contained no borated goldenseal. Misbranding was alleged in substance for the further reason that the cartons and bottles and booklets accompanying said bottles contained statements regarding the curative and therapeutic effects of the article, to wit, (carton) "A compound of Borated Goldenseal. A remedy for Catarrh, Hay Fever and Inflammations, Irritations or Ulcerations of mucous membranes or Linings of the Nose, Throat, Stomach and Urinary Organs," (bottle) "A Non-poisonous Tonic * * * A Treatment for Unnatural Discharges of the urinary organs, Catarrh, Hay Fever and Inflamed, Ulcerated, Itching conditions of the skin and mucous membrane or linings of the Mouth, Nose, Throat, Eye and Ear," (booklet) "Catarrh * * * Chronic, of the Head * * * Hay Fever * * * Inflammation of the Eye * * * Cystitis * * * Gastritis—Catarrh of the Stomach * * * Haemorrhoids—Piles * * * Throat Troubles * * * Gonorrhœa * * * Gleet, Chronic Gonorrhœa, Stricture * * * Folliculitis * * * Gonorrhœal Prostatitis * * * Spermatorrhœa * * * Bubo * * * Gonorrhœal Cystitis * * * As a preventative * * * Leucorrhœa—Whites—Catarrh of the Vagina * * * Gonorrhœa in Women," and certain other venereal diseases, which were false, fraudulent, and misleading in that the article contained no ingredient or combination of ingredients capable of producing the curative and therapeutic effect claimed.

On January 6, 1921, no claimant having appeared for the property, judgment of the court was entered ordering the destruction of the goods.

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

8832. Adulteration and misbranding of olive oil. U. S. * * * v. John Zeppos, Nicholas Antonio, and Anthony Antonio (Alpha Importing Co.). Plea of guilty. Fine, \$50. (F. & D. No. 12463. I. S. Nos. 14218-r, 14219-r, 14220-r, 14221-r.)

On October 22, 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 John Zeppos, Nicholas Antonio, and Anthony Antonio (Alpha Importing Co.), New York, N. Y., alleging shipment by said defendants, on or about May 19, 1919, in violation of the Food and Drugs Act, as amended, from the State of New York into the State of New Jersey, of quantities of olive oil which was adulterated and misbranded. The article was labeled in part: "Finest Quality Olive Oil Extra pure (design, olive tree and peasants, in native costume, picking olives) of Termini Imerese Italy Sicilia-Italia $\frac{1}{2}$ Gallon Net;" "Olio di Oliva Puro (design, olive tree, with peasants, in native costume, picking olives) Trade—Imported—Mark Pure Olive Oil Tortosa Brand Net Contents Half Gallon;" "Cotton seed Oil Flavored with ΓΝΗΕΙΟΝ ΕΛΛΑΟΙΝ (translated, Olive-Oil) (design, Hermes and olive branches) ΚΑΛΑΜΩΝ (Kalamon) Net contents full quarter gallon;" and "Olive Oil Compounded with Cottonseed Oil Extra Quality (design, woman holding an olive branch bearing olives) $\frac{1}{2}$ Gallon Net."

Analyses of samples of the articles by the Bureau of Chemistry of this department showed the following results: The average measure of 12 cans of the Finest Quality Olive Oil was 0.117 gallon, that of 6 cans of the Olio di Oliva Puro, 0.479 gallon, that of 12 cans of the product bearing the Greek label, 0.241 gallon, and that of 6 cans of the Olive Oil Compounded with Cottonseed Oil,

0.242 gallon; the second and third brands contained cottonseed oil, and the fourth consisted essentially of cottonseed oil.

Adulteration of the *Olio di Oliva* and Olive Oil Compounded with Cottonseed Oil was alleged in the information for the reason that cottonseed oil had been mixed and packed with the article 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 Finest Quality Olive Oil Extra Pure was alleged in the information for the reason that the statement " $\frac{1}{2}$ Gallon Net," borne on the label, was false and misleading and [the article was] labeled so as to deceive and mislead the purchaser, in that the can did not contain $\frac{1}{2}$ gallon net.

With respect to the *Olio di Oliva*, misbranding was alleged for the reason that the statements "*Olio di Oliva Puro*," "Imported Pure Olive Oil," and "Net Contents Half Gallon," borne on the cans, were false and misleading and [the article was] labeled so as to deceive and mislead the purchaser, in that the article was not a foreign product and was not a pure olive oil and did not contain $\frac{1}{2}$ gallon net contents, but that the article was a domestic product, and was a mixture composed in part of cottonseed oil, and each of said cans did contain less than $\frac{1}{2}$ gallon net of the article. Misbranding was alleged for the further reason that it was a mixture composed 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, pure olive oil.

Misbranding of the article labeled *INHEION EAAION* was alleged in the information for the reason that the above labeling, together with the design and devices of Greek flags, the figure of *Hermes*, and olive branches bearing olives, not corrected by the statement in inconspicuous type, "Cottonseed oil flavored with," borne on the cans containing the article, were false and misleading, and [the article was] labeled so as to deceive and mislead the purchaser into the belief that the article was olive oil, that it was a foreign product, to wit, an olive oil produced in the kingdom of Greece, and that said cans contained one full quarter gallon net of the article, whereas, in truth and in fact, said article was not olive oil, but was a mixture composed in part of cottonseed oil, and said article was not a foreign product, but was a domestic product, and each of said cans did not contain one full quarter gallon of the article, but did contain a less amount. Misbranding was alleged for the further reason that it was a mixture 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.

Misbranding of the Olive Oil Compounded with Cottonseed Oil was alleged for the reason that the statement in large type "Olive Oil," together with the design and device of an olive branch bearing olives, not corrected by the statement inconspicuously displayed, "Compounded with Cottonseed Oil," and the statement " $\frac{1}{4}$ Gallon Net," borne on the cans, were false and misleading and [the article was] labeled so as to deceive and mislead the purchaser into the belief that said article was olive oil, and that each of said cans contained $\frac{1}{4}$ gallon net of the article, whereas said article was not olive oil, but was a mixture composed in part of cottonseed oil, and each of said cans did not contain $\frac{1}{4}$ gallon net of the article.

Misbranding of each brand 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 package.

On November 3, 1920, the defendants entered a plea of guilty to the information, whereupon the court imposed a fine of \$50 and costs.

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