

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

Misbranding was alleged with respect to all shipments for the reason that the statement, to wit, "Our System Of Distillation Represents The Highest Degree Of Purity Ever Reached By Any Process," borne on the labels attached to the bottles containing the article, regarding the article, was false and misleading in that it represented that the article consisted wholly of double distilled water of the highest degree of purity, whereas, in truth and in fact, the article consisted in whole or in part of a filthy and decomposed animal or vegetable substance. Misbranding was alleged with respect to the product involved in the shipments of August 21, 1918, and May 16, 1919, 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 October 8, 1920, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$80 and costs.

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

9174. Adulteration and misbranding of olive oil. U. S. * * * v. Adolph Panarelli. Plea of guilty. Fine, \$100. (F. & D. No. 11998. I. S. Nos. 12578-r, 12709-r, 12713-r, 12714-r, 12715-r, 13683-r, 13684-r, 13685-r, 13732-r, 14216-r.)

On or about April 28, 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 Adolph Panarelli, New York, N. Y., alleging shipment by said defendant, in violation of the Food and Drugs Act, as amended, on September 12, November 18 and 22, December 2, 9, and 29, 1918, and May 22, 1919, from the State of New York into the State of Connecticut, of quantities of alleged Italian olive oil and Spanish olive oil which were adulterated and misbranded.

Analyses of samples of the article taken from all consignments of the article, with one exception, showed it to consist entirely or almost entirely of cottonseed oil. Analysis of a sample from the consignment of May 22, 1919, showed it to consist of approximately one-half cottonseed oil. Examination showed that the product was short in volume in all consignments.

Adulteration of the so-called Italian olive oil was alleged in the information with respect to all consignments with the exception of that of May 22, 1919, for the reason that a substance, to wit, cottonseed oil, had been substituted in whole or in part for olive oil, which the article purported to be. Adulteration was alleged with respect to the consignment of May 22, 1919, for the reason that a substance, to wit, cottonseed oil, had been mixed and packed therewith 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. Adulteration of the so-called Spanish olive oil was alleged for the reason that a substance, to wit, an oil or a mixture of oils other than olive oil, had been substituted wholly or in part for olive oil, which the article purported to be.

Misbranding of the article was alleged in substance for the reason that the statements, to wit, "Olio Puro * * * Lucca Italy * * * Net Contents Full Gallon," or "Olio Puro D'Oлива * * * Lucca Italy * * * Olio Puro D'Oлива Garantito Produzione Propria * * * Net Contents Full Quarter Gallon," "Net Contents Full Half Gallon," or "Pure Extra Fine Olive Oil Madrid Brand Imported from Spain * * * Spanish Product * * * Extra Sublime Olive Oil * * * We guarantee This Olive Oil To be Absolutely Pure Under Chemical Analysis * * * Half Full Gallon," "One Full Gallon," or "Qualita

Superiore * * * Olio Puro Garantito Sotto Qualsiasi Analisi Chimica $\frac{1}{2}$ Gallon Net," " $\frac{1}{4}$ Gallon Net," or "Finest Quality Table Oil Tipo Termini Imerese * * * Sicilia-Italia * * * Guaranteed Absolutely Pure * * * $\frac{1}{4}$ Gallon Net," together with certain designs and devices, not corrected by the statement in certain instances in inconspicuous type in inconspicuous places, "Cottonseed oil," "Cotton Salad Oil," "Cottonseed oil slightly flavored with olive oil," borne on the cans containing the article, regarding the article 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 kingdoms of Italy or Spain, as the case might be, and that each of the cans contained one gallon, one-half gallon, or one-quarter gallon, net, as the case might be, of the article, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was olive oil, that it was a foreign product, to wit, an olive oil produced in the kingdoms of Italy or Spain, as the case might be, and that each of the cans contained one gallon, one-half gallon, or one-quarter gallon net, as the case might be, of the article, whereas, in truth and in fact, it was not olive oil, but was a mixture composed in whole or in part of cottonseed oil, or an oil or mixture of oils other than olive oil, it was not a foreign product but was a domestic product, to wit, an article produced in the United States of America, and each of the cans did not contain one gallon, one-half gallon, or one-quarter gallon net, as the case might be, of the article, but did contain a less amount. Misbranding was alleged for the further reason that the article was falsely branded as to the country in which it was produced in that it was branded as produced in the Kingdoms of Italy or Spain, as the case might be, whereas it was produced in the United States of America, and for the further reason that the above-quoted statements purported the article to be a foreign product, when not so. 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. Misbranding was alleged with respect to certain consignments for the further reason that the article was a mixture composed in whole or 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.

On February 23, 1921, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$100.

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

9175. Misbranding of Brazilian Balm. U. S. * * * v. 66 Bottles, \$1 Size, 9 Dozen Bottles, 50-cent Size, and 7 Dozen Bottles, 25-cent Size, of * * * Brazilian Balm. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 12521. I. S. Nos. 14633-r, 14634-r, 14635-r. S. No. E-2033.)

On or about March 19, 1920, the United States attorney for the District of Delaware, 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 66 bottles, \$1 size, 9 dozen bottles, 50-cent size, and 7 dozen bottles, 25-cent size, of Brazilian Balm, remaining unsold in the original unbroken packages at Wilmington, Del., alleging that the article had been shipped by B. F. Jackson & Co., Arcade, N. Y., on or about February 27, 1920, and transported from the State of New York into the State of Delaware, and charging 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 essentially of plant extractives including hydrastis, glycerin, sugar, alcohol, and water, flavored with methyl salicylate.