

**11104. Adulteration and misbranding of olive oil. U. S. v. Angelas Papagelis and Chris Papagelis (Italy Commercial Co.). Plea of guilty. Fine, \$50.** (F. & D. No. 16228. I. S. Nos. 5074-t, 5081-t, 5082-t, 5084-t, 5401-t, 5495-t, 5496-t, 5497-t, 6617-t, 13751-t.)

On September 12, 1922, 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 Angelas Papagelis and Chris Papagelis, copartners, trading as the Italy Commercial Co., New York, N. Y., alleging shipment by said defendants, in violation of the Food and Drugs Act, as amended, in various consignments, namely, on or about March 31, 1921, from the State of New York into the State of Massachusetts, on or about May 7, 10, 11, and 12, and June 27, 1921, from the State of New York into the State of Connecticut, and on or about May 14, 1921, from the State of New York into the State of Michigan, of quantities of alleged olive oil which was adulterated and misbranded. The article was labeled in part, variously: "Quality Superiore Olio Puro Garantito Sotto Qualsiasi Analisi Chimica 1 Gallon Net" (or " $\frac{1}{2}$  Gallon Net" or " $\frac{1}{4}$  Gallon Net"); "Finest Quality Table Oil Tipo Termini Imerese Cottonseed Oil Slightly Flavored With Olive Oil 1 Gallon Net" (or " $\frac{1}{2}$  Gallon Net"); "Huile D'Olive Extra Vierge Spain;" "Finest Quality Table Oil Insuperabile Termini Imerese Type Net Contents One Quart;" "Lucca Brand Lucca Olio Sopraffino D'Olive 1 Gallon Net."

Analysis of a sample of the article labeled "Huile D'Olive Extra Vierge Spain" by the Bureau of Chemistry of this department showed that it was composed in part of cottonseed oil. Analyses of the remaining brands by said bureau showed that they were mixtures composed in part of cottonseed oil, and that the cans containing them were short measure.

Adulteration of the oil labeled "Huile D'Olive Extra Vierge Spain" and "Lucca Brand Olio Sopraffino D'Olive," respectively, was alleged in the information 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 strength and had been substituted in part for olive oil, which the said article purported to be. Adulteration of the remaining brands of oil was alleged 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.

Misbranding of the article was alleged for the reason that the statements, to wit, "Qualita Superiore," "Olio Puro," "Garantito," and "1 Gallon Net," " $\frac{1}{2}$  Gallon Net," or " $\frac{1}{4}$  Gallon Net," together with the designs and devices of the map of Italy, the Italian colony of Tripolitania, the Italian flag, and a woman draped in Italian colors, borne on the cans containing a portion of the said article, the statements, to wit, "Finest Quality Table Oil," "Tipo Termini Imerese," and "1 Gallon Net" or " $\frac{1}{2}$  Gallon Net," or "Finest Quality Table Oil," "Insuperabile Termini Imerese Type," "Net Contents One Quart," together with the design and device of an olive tree with natives gathering olives, not corrected by the statement in inconspicuous type, "Cottonseed Oil Slightly Flavored With Olive Oil," borne on the cans containing a portion of the said article, the statement, to wit, "Huile D'Olive Extra Vierge Spain," borne on the barrel containing a portion of the said article, and the statements, to wit, "Lucca Brand," "Lucca Olio Sopraffino D'Olive," and "1 Gallon Net," together with the design showing olive branches and olive oil containers, borne on the cans containing the remainder of the said article, regarding the article and the ingredients and substances contained therein, were false and misleading in that the said statements represented that the article was olive oil, that it was a foreign product, to wit, an olive oil produced in the kingdom of Italy or in the kingdom of Spain, as the case might be, and that each of the cans containing the greater portion of the article contained one gallon, one-half gallon, one-quarter gallon, or one quart net, as the case might be, of the said 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, that it was a foreign product, to wit, an olive oil produced in the kingdom of Italy or in the kingdom of Spain, as the case might be, and that each of the cans containing the greater portion of the said article contained one gallon, one-half gallon, one-quarter gallon, or one quart 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, it was not a foreign product, to wit, an olive oil produced in the kingdom of Italy or in the kingdom of Spain, as the case might be, but was a domestic product, to wit, an article produced in

the United States of America, and each of the cans containing the greater portion of the article did not contain one gallon, one-half gallon, one-quarter gallon, or one quart, as the case might be, of the said article, but did contain a less amount. Misbranding was alleged for the further reason that the statements, designs, and devices borne on the cans or on the barrel containing the article purported the said 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 packages.

On October 16, 1922, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$50.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**11105. Misbranding of Mydyl antiseptic wafers. U. S. v. 42 Packages of Mydyl Antiseptic Wafers. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 16338. S. No. C-3646.)**

On May 23, 1922, the United States attorney for the Southern District of Illinois, 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 42 packages of Mydyl antiseptic wafers, remaining in the original unbroken packages at Peoria, Ill., alleging that the article had been shipped by Charles S. Ruckstuhl, from St. Louis, Mo., January 1, 1922, and transported from the State of Missouri into the State of Illinois, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Box and circular) "\* \* \* of great value in the treatment of Vaginitis, Urethritis, Menorrhagia, Endometritis, Parametritis, Cervicitis and Gonorrhea \* \* \* reduce inflammation caused by the different diseases of the generative tract \* \* \* germicidal \* \* \* a sure preventive of complications. Aggravated cases of Cystitis;" (box) "\* \* \* to relieve Nervousness. \* \* \* For aggravated cases of uterine disorder \* \* \* overcoming the inflammation caused by an excess of alkali or acid \* \* \* in aggravated cases of Erysipelas."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the wafers were composed of borax and starch.

Misbranding of the article was alleged in the libel for the reason that the above-quoted statements regarding the curative and therapeutic effect of the said article were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed.

On November 21, 1922, 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.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**11106. Adulteration and misbranding of ginger. U. S. v. 75 Bags and 75 Bags of Ginger. Default decree of condemnation, forfeiture, and destruction. (F. & D. Nos. 16388, 16389. S. No. E-3879.)**

On June 14, 1922, 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 a libel for the seizure and condemnation of 150 bags of ginger, remaining unsold in the original unbroken packages at New York, N. Y., alleging that the article had been shipped from Leith, Scotland, on or about January 23, 1922, and transported from a foreign country into the State of New York, and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that a valuable constituent of the said article, ginger resins, had been wholly or in part abstracted.

Misbranding was alleged for the reason that it was an imitation of another article, to wit, ginger root.

On November 16, 1922, Frame & Co., Leith, Scotland, having filed a claim and stipulation for costs but having filed no answer and being in default, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal and that said claimant pay the costs of the proceedings.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*