

and cores, 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 a product made from whole tomatoes, which the article purported to be.

Misbranding was alleged for the reason that the statement, to wit, "Tomatoes," together with the design and device of a ripe tomato, borne on the cans containing the said article, regarding the article and the ingredients and substance contained therein, were false and misleading in that they represented that the article was a product derived from whole tomatoes, 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 a product composed of whole tomatoes, whereas, in truth and in fact, it was not a product composed of whole tomatoes but was a mixture composed in part of water and purée, pulp, and juice from skins and cores of tomatoes. Misbranding was alleged for the further reason that the article was a mixture composed in part of water and purée, pulp, and juice from skins and cores of tomatoes, prepared in imitation of a product composed of whole tomatoes, and was offered for sale and sold under the distinctive name of another article, to wit, tomatoes.

On December 20, 1922, a plea of nolo contendere was entered on behalf of the defendant company, and the court imposed a fine of \$25 and costs.

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

11322. Adulteration and misbranding of olive oil. U. S. v. John Courumalis and John Pappaianou (Courumalis & Co.). Pleas of guilty. Fine, \$200. (F. & D. No. 16933. I. S. No. 15561-t.)

At the February, 1923, term of the United States District Court within and for the Southern District of New York, the United States attorney for said district, acting upon a report by the Secretary of Agriculture, filed in the district court aforesaid an information against John Courumalis and John Pappaianou, copartners, trading as Courumalis & Co., New York, N. Y., alleging shipment by said defendants, in violation of the Food and Drugs Act, as amended, on or about March 15, 1922, from the State of New York into the State of Connecticut, of a quantity of alleged olive oil which was adulterated and misbranded. The article was labeled in part: "La Bella Fiume Brand Prodotto Garantito Olio Per Insalata Sopraffino * * * Packed By Valore Olive Oil Co. New York Net Contents One Quart."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted chiefly, if not entirely, of oils other than olive oil, and that the said cans contained less than 1 quart of the said article.

Adulteration of the article was alleged in the information for the reason that an oil or oils other than olive oil had been mixed and packed therewith so as to lower, reduce, and injuriously affect its quality and strength and had been substituted in part for, to wit, olive oil, which the said article purported to be.

Misbranding was alleged for the reason that the statements, to wit, "La Bella Fiume Brand Prodotto Garantito Olio Per Insalata Sopraffino" and "Net Contents One Quart," not corrected by the statement in small type, "Vegetable Oils Slightly Flavored With Pure Olive Oil," together with the design and device of Fiume, a town in Europe, borne on the cans containing the article, regarding the said article and the ingredients and substances contained therein, were false and misleading in that they represented that the said article was, to wit, olive oil, that it was a foreign product, to wit, an olive oil produced in Europe, and that each of the said cans contained 1 quart net of the 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, to wit, olive oil, that it was a foreign product, and that each of said cans contained 1 quart net of the said article, whereas, in truth and in fact, it was not, to wit, olive oil, but was a mixture composed in large part of an oil or 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 said cans did not contain 1 quart net of the said article but did contain 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 February 28, 1923, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$200.

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