

whereas, in truth and in fact, the said apples were not standard grade Baldwins of not less than 2½ inches each.

On December 8, 1922, the defendant entered a plea of *nolo contendere* to the information, and the court imposed a fine of \$25.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11561. Adulteration and misbranding of oil. U. S. v. Karasos. Plea of *nolo contendere*. Fine, \$25. (F. & D. No. 10250. I. S. No. 12710-r.)

On April 5, 1921, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against S. Karasos, Boston, Mass., alleging shipment by said defendant, in violation of the Food and Drugs Act, as amended, on or about October 10, 1918, from the State of Massachusetts into the State of Connecticut, of a quantity of oil which was adulterated and misbranded. The article was labeled in part: "Extra Fine Quality Oil Compound of olive oil and cotton seed oil One Full Quart."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted almost wholly of cottonseed oil and that it was short in volume.

Adulteration of the article 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 article purported to be.

Misbranding was alleged for the reason that the statement, to wit, "Extra Fine Quality Oil," in prominent type, together with the design and device of olive branches bearing olives, not corrected by the statement in inconspicuous type, "Compound of olive oil and cotton seed oil," and the statement, to wit, "One Full Quart," 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 article was olive oil and that each of the said cans contained 1 full quart thereof, 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 and that each of the said cans contained 1 full quart of the article, whereas, in truth and in fact, it was not olive oil but was a mixture composed in large part of cottonseed oil which contained little, if any, olive oil, and each of said cans did not contain 1 full quart 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 November 23, 1922, the defendant entered a plea of *nolo contendere* to the information, and the court imposed a fine of \$25.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11562. Adulteration and misbranding of Sparkling White Seal. U. S. v. 4 Cases, et al., of Sparkling White Seal. Consent decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 14035, 14036. I. S. Nos. 6481-t, 6482-t. S. Nos. E-2919, E-2920.)

On February 7, 1921, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 12 cases and 36 bottles of Sparkling White Seal, remaining unsold in part at Newark and in part at Orange, N. J., alleging that the article had been shipped by the Duffy-Mott Co., Inc., New York, N. Y., in part November 5 and in part November 8, 1920, and transported from the State of New York into the State of New Jersey, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Sparkling * * * White Seal Made By Duffy-Mott Co. Inc. New York."

Adulteration of the article was alleged in the libels for the reason that a substance, to wit, artificially carbonated, sweetened, diluted apple juice, flavored with capsicum, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and strength and had been substituted in whole or in part for champagne which the said article from its labeling and foil-covered wired cork and neck and general dress of the bottle purported to be. Adulteration was alleged for the further reason that an artificially carbonated, sweetened, diluted apple juice, flavored with capsicum, had been mixed with the article in a manner whereby damage and inferiority were concealed.