

11637. Adulteration of olive oil. U. S. v. Achille Joannidi and Louise Joannidi (A. Joannidi & Co.). Pleas of guilty. Fine, \$100. (F. & D. No. 17234. I. S. Nos. 3584-t, 3585-t, 3586-t, 6036-t.)

On May 28, 1923, 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 Achille Joannidi and Louise Joannidi, copartners, trading as A. Joannidi & Co., New York, N. Y., alleging shipment by said defendants, in violation of the Food and Drugs Act, as amended, in two consignments, namely, on or about October 13 and 25, 1921, from the State of New York into the States of Pennsylvania and Minnesota, respectively, of quantities of olive oil, a portion of which was adulterated and misbranded and the remainder of which was misbranded. The article was labeled in part: (Cans) "Pure Olive Oil Horse Shoe Brand Guaranteed * * * Packed By A. Joannidi, N. Y. 1 Gallon Net" (or " $\frac{1}{4}$ Gallon Net" or " $\frac{1}{2}$ Gallon Net") "* * * Excellent For Table And Med cinal Use."

Analyses of samples of the article by the Bureau of Chemistry of this department showed that the product involved in the consignment into Pennsylvania was a mixture of cottonseed oil and a small quantity of olive oil. Examination of the article from this consignment by said bureau showed that 5 of the gallon cans averaged 0.96 gallon. Examination of the article involved in the consignment into Minnesota showed that 10 of the quarter gallon cans averaged 0.96 quart, 24 of the half-gallon cans averaged 0.48 gallon, and 10 of the gallon cans averaged 0.95 gallon.

Adulteration of the article involved in the consignment of October 13, 1921, into Pennsylvania, 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. Adulteration of the said portion of the article, considered as a drug, was alleged for the further reason that it was sold under and by a name recognized in the United States Pharmacopœia and differed from the standard of strength, quality, and purity as determined by the test laid down in said Pharmacopœia, official at the time of investigation, in that the said Pharmacopœia provides that olive oil shall be derived from the ripe fruit of *Olea europœa*, whereas the said article was derived from cotton seed, and the standard of the strength, quality, and purity of the article was not declared on the container thereof.

Misbranding of the portion of the article involved in the consignment of October 13, 1921, into Pennsylvania, was alleged for the reason that the statements, to wit, "Pure Olive Oil" and "This Pure Olive Oil Is Guaranteed Under Any Chemical Analysis In Accordance With The Law Of The United States For The Imported Products," borne on the cans containing the said portion of the article, regarding the said article and the ingredients and substances contained therein, were false and misleading in that the said statements represented that the article was olive oil, 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, whereas, in truth and in fact, it was not olive oil but was a product composed in whole or in part of cottonseed oil. Misbranding was alleged with respect to the said portion of the article for the further reason that it was a product composed in whole or in part of cottonseed oil, prepared in imitation of and offered for sale and sold under the distinctive name of another article, to wit, olive oil, and for the further reason that the statements borne on the said cans purported the article to be a foreign product when not so.

Misbranding was alleged with respect to all of the said product for the reason that the statements, to wit, "1 Gallon Net," " $\frac{1}{4}$ Gallon Net," and " $\frac{1}{2}$ Gallon Net," as the case might be, borne on the respective-sized cans containing the article, were false and misleading in that the said statements represented that each of the said cans contained one gallon net, one-half gallon net, or one-quarter gallon 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 each of the said cans contained one gallon net, one-half gallon net, or one-quarter gallon net, as the case might be, of the article, whereas, in truth and in fact, each of said cans 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 cans.

On June 4, 1923, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$100.

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

11638. Misbranding of Fernet De Vecchi. U. S. v. 15 Cases, et al., of Fernet De Vecchi. Decrees of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 17456, 17457, 17458. I. S. Nos. 1745-v, 1746-v. S. Nos. E-4356, E-4357.)

On April 16, 1923, 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 libels praying the seizure and condemnation of 49 cases, each containing 24 bottles of Fernet De Vecchi, remaining in the original unbroken packages at Boston, Mass., alleging that the article had been shipped by the Banfi Co., Inc., New York, N. Y., in part on or about March 8 and in part on or about March 9, 1923, and transported from the State of New York into the State of Massachusetts, 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 the product consisted essentially of alcohol, water, a trace of an iron compound, and extractives from plant drugs including a laxative drug and small amounts of alkaloids.

Misbranding of the article was alleged in the libels for the reason that the following statements appearing on the bottle containing the said article and in the circular accompanying the same, regarding the article and the ingredients and substances contained therein, to wit, (bottle and circular) "digestive * * * antifebrile * * * anticholeraic * * * recommande[d] for people suffering from irritable nerves, lack of appetite, nausea, worms," (circular) "has the property of curing biliousness, giddiness and bad digestion," were false and fraudulent in that the said article did not contain any ingredient or combination of ingredients capable of producing the curative and therapeutic effects claimed.

On May 4 and June 19, 1923, the Banfi Co., Inc., New York, N. Y., having appeared as claimant for respective portions of the property and having filed satisfactory bonds in conformity with section 10 of the act, judgment of condemnation was entered, and it was ordered by the court that the product might be released to the said claimant upon payment of the costs of the proceedings.

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

11639. Misbranding of butter. U. S. v. 685 Pounds of Butter. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 17538. I. S. No. 2732-v. S. No. E-4400.)

On or about May 21, 1923, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 685 pounds of butter, remaining in the original unbroken packages at Philadelphia, Pa., consigned by the Carolina Butter Co., Charlotte, N. C., alleging that the article had been shipped from Charlotte, N. C., on or about May 8, 1923, and transported from the State of North Carolina into the State of Pennsylvania, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: "Mecko Brand Mecklenburg Dairy Co., Charlotte, N. C. One Pound Net * * * Pure Creamery Butter."

Misbranding of the article was alleged in substance in the libel for the reason that the retail package containing the article bore the statement, "One Pound Net," which was false and misleading in that the said statement represented that the said package contained 1 pound net of the said article, when in fact it did not. 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 June 7, 1923, the R. A. Bowers Co., Philadelphia, Pa., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$600, in conformity with section 10 of the act, conditioned in part that it be reworked under the supervision of this department.

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