

ages at Milwaukee, Wis., alleging that the articles had been shipped by the Chicago Food Products Co., Chicago, Ill., on or about July 18, 1921, and transported from the State of Illinois into the State of Wisconsin, and charging adulteration in violation of the Food and Drugs Act. The articles were labeled in part: "Square Seal S S Brand * * * Pepper Relish" (or "Celery Relish" or "Piccalilli") "Chicago Food Products Co. [Square Seal Food Products Co.] Chicago."

Adulteration of the articles was alleged in the libel for the reason that saccharin had been mixed and packed with and substituted wholly or in part for the said articles, for the further reason that they were mixed in a manner whereby damage and inferiority were concealed, and for the further reason that they contained an added poisonous and deleterious ingredient, to wit, saccharin, which might render the said articles injurious to health.

On August 2, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the products be destroyed by the United States marshal.

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

11685. Misbranding of olive oil and adulteration and misbranding of salad oil. U. S. v. Nicholas Lyriotakis and Michael Lyriotakis (Lyriotakis Bros.). Plea of guilty. Fine, \$200. (F & D. No. 16847. I. S. Nos. 6624-t, 6690-t, 6691-t.)

On February 2, 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 Nicholas Lyriotakis and Michael Lyriotakis, copartners, trading as Lyriotakis Bros., New York, N. Y., alleging shipment by said defendants, in violation of the Food and Drugs Act, as amended, on or about April 28, 1921, from the State of New York into the State of New Jersey, of a quantity of olive oil which was misbranded, and on or about May 20, 1921, from the State of New York into the State of Connecticut, of quantities of salad oil which was adulterated and misbranded. The articles were labeled in part, respectively: (Cans) "Net Contents $\frac{1}{4}$ Gallon Imported Pure Olive Oil Olio d'Oliva Puro Vittoria Brand * * * Lyriotakis Bros. Importers & Packers New York;" "Il Famoso Olio per Insalata * * * Medaglie Universali Cotton Salad Oil $\frac{1}{2}$ Gallon Net" (or "1 Gallon Net").

Examination by the Bureau of Chemistry of this department of 10 cans of the olive oil showed an average volume of 0.986 quart. Analysis of a sample of the salad oil by said bureau showed that it consisted chiefly of cottonseed oil with little or no olive oil present; examination of 8 gallon cans and 7 half-gallon cans of the salad oil showed an average volume of 0.971 gallon and 0.99 half-gallon, respectively.

Misbranding of the olive oil was alleged in the information for the reason that the statement, to wit, "Net Contents $\frac{1}{4}$ Gallon," borne on the cans containing the article, regarding the said article, was false and misleading in that it represented that each of the said cans contained one-quarter gallon net of the said 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 each of the said cans contained one-quarter gallon net of the article, whereas, in truth and in fact, each of said cans did not contain one-quarter gallon net of the said article but did contain a less amount.

Adulteration of the salad oil was alleged 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.

Misbranding was alleged with respect to the said salad oil for the reason that the statement, to wit, "Olio per Insalata," borne in prominent type on the cans containing the article, and the statements to wit, " $\frac{1}{2}$ Gallon Net" or "1 Gallon Net," as the case might be, together with the designs and devices of olive leaves and Italian medals, borne on the said cans, not corrected by the statement in inconspicuous type, "Cotton Salad Oil," borne on the said cans, 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 kingdom of Italy, and that each of the said cans contained one-half gallon or one gallon net of the article, as the case might be, 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 kingdom of Italy, and that each of the said cans contained one-half gallon

or one gallon net of the said article, as the case might be, whereas, in truth and in fact, it was not olive oil but was a mixture composed in part of cottonseed 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 one-half gallon net or one gallon net of the article, as the case might be, but did contain a less amount. Misbranding was alleged for the further reason that the article was a mixture composed 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, "Olio per Insalata," that is to say, olive oil. Misbranding was alleged for the further reason that the statements, designs, and devices borne on the cans containing the article purported it to be a foreign product when not so.

Misbranding was alleged with respect to both products for the reason that they were food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On February 26, 1923, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$200.

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

11686. Misbranding and alleged adulteration of cider vinegar. U. S. v. S Casks of Apple Cider Vinegar. Default decree of condemnation, forfeiture, and sale. (F. & D. No. 17217. I. S. No. 10378-v. S. No. C-3873.)

On February 1, 1923, the United States attorney for the District of Kansas, 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 8 casks, each containing 4 dozen quart bottles of cider vinegar, at Topeka, Kans., alleging that the article had been shipped by the Springdale Vinegar Co., from Springdale, Ark., on or about July 31, 1922, and transported from the State of Arkansas into the State of Kansas, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Bottle) "Million Smiles Brand Pure Apple Cider Vinegar One Quart Springdale Vinegar Co. Springdale, Ark."

Adulteration of the article was alleged in the libel for the reason that vinegar made from boiled cider or similar material had been mixed and packed with and substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statement appearing on the labels of the said bottles, to wit, "Pure Apple Cider Vinegar," was false and misleading and calculated to deceive the purchaser, in that, in truth and in fact, the contents of the said bottles was not pure cider vinegar but was an imitation of pure cider vinegar.

On June 18, 1923, no claimant having appeared for the property, judgment of the court was entered finding the product to be misbranded and ordering its condemnation, and it was further ordered by the court that the product be sold by the United States marshal and that the purchaser give a bond in the sum of \$100, conditioned in part that it be not disposed of in violation of law.

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

11687. Adulteration of shell eggs. U. S. v. Robert Nelson Stevens (Stevens Bros.). Plea of nolo contendere. Fine, \$25 and costs. (F. & D. No. 17249. I. S. No. 1107-v.)

At the March, 1923, term of the United States District Court within and for the District of Maryland, 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 Robert Nelson Stevens, trading as Stevens Bros., Greeneville, Tenn., alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about July 22, 1922, from the State of Tennessee into the State of Maryland, of a quantity of eggs which were adulterated.

Examination by the Bureau of Chemistry of this department of 1,440 eggs from the consignment showed that 112, or 7.7 per cent of those examined, were inedible eggs, consisting of black rots, mixed rots, moldy eggs, and heavy blood rings.

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

On April 23, 1923, the defendant entered a plea of nolo contendere to the information, and the court imposed a fine of \$25 and costs.

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