

On October 31, 1923, 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. F. MARVIN, *Acting Secretary of Agriculture.*

11960. Misbranding of olive oil. U. S. v. Andrea Russo (Andrea Russo & Co.). Plea of guilty. Fine, \$150. (F. & D. No. 16558. I. S. Nos. 1770-t, 11174-t, 12816-t, 12817-t.)

On July 9, 1923, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Andrea Russo, trading as Andrea Russo & Co., Chicago, Ill., alleging shipment by said defendant, in violation of the Food and Drugs Act, as amended, in various consignments, on or about May 13, August 10, and September 14, 1921, respectively, from the State of Illinois into the States of Colorado, Oklahoma, and Utah, respectively, of quantities of olive oil which was misbranded. The article was labeled in part: "One Quart Net" (or "Half Gallon Net" or "One Gallon Net") "Diana Brand * * * Olive Oil."

Examination by the Bureau of Chemistry of this department of samples of the article from the various consignments showed that the said cans contained less than the quantities declared on the respective labels.

Misbranding of the article was alleged in the information for the reason that the statements, to wit, "One Quart Net," "Half Gallon Net," and "One Gallon Net," borne on the cans containing the article, were false and misleading in that they represented that each of the said cans contained 1 quart, 1 half gallon, or 1 gallon net of the said article, as the case might be, 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 1 quart, 1 half gallon, or 1 gallon net of the said article, as the case might be, whereas each of said cans did not contain the amount declared on the label 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 packages.

On October 26, 1923, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$150.

C. F. MARVIN, *Acting Secretary of Agriculture.*

11961. Misbranding of olive oil. U. S. v. Gus Kakarakis and Frank Kakarakis (Kakarakis Bros.). Pleas of guilty. Fine, \$150. (F. & D. No. 16566. I. S. Nos. 18606-t, 18609-t, 18611-t.)

On July 9, 1923, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Gus Kakarakis and Frank Kakarakis, copartners, trading as Kakarakis Bros., Chicago, Ill., alleging shipment by said defendants, in violation of the Food and Drugs Act, as amended, in various consignments, namely, on or about November 16, November 29, and December 2, 1921, respectively, from the State of Illinois into the State of Indiana, of quantities of olive oil which was misbranded. The article was labeled in part: (Can) "Contents 1 Quart" (or "Contents $\frac{1}{2}$ Gallon" or "Contents 1 Gallon" or "Contents 1 Pint"). "Electra Brand Extra Superfine Pure Olive Oil * * * Kakarakis Bros. Chicago, Ill."

Examination by the Bureau of Chemistry of this department of 20 cans each of the quart, half-gallon, and gallon sizes showed an average net volume of 1 pint 15.59 fluid ounces, 1 quart 1 pint 15.47 fluid ounces, and 3 quarts 1 pint 14.95 fluid ounces, respectively.

Misbranding of the article was alleged in the information for the reason that the statements, to wit, "Contents 1 Quart," "Contents $\frac{1}{2}$ Gallon," "Contents 1 Gallon," and "Contents 1 Pint," borne on the respective-sized cans containing the said article, were false and misleading in that they represented that each of the said cans contained 1 quart, 1 half gallon, 1 gallon, or 1 pint of the article, as the case might be, 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 said cans contained 1 quart, 1 half gallon, 1 gallon, or 1 pint of the article, as the case might be, whereas each of said cans did not contain the amount declared on the label thereof but did contain a less amount. Misbranding was alleged for the further reason that the article was food in