

12030. Misbranding of olive oil. U. S. v. Garibaldi Co., a Corporation. Plea of guilty. Fine, \$300. (F. & D. No. 17691. I. S. Nos. 4443-v, 5502-v, 5503-v, 5504-v, 5505-v, 10016-v, 10017-v, 10018-v.)

At the November, 1923, term of the United States District Court within and for the Northern District of Illinois, 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 the Garibaldi Co., a corporation, Chicago, Ill., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, between the dates of May 17 and November 29, 1922, from the State of Illinois in various consignments into the States of Minnesota, Alabama, and Ohio, respectively, of quantities of olive oil which was misbranded. The article was labeled in part: (Bottles) "Extra Cyrilla Imported Olive Oil Net 6 Fluid Oz." (or "Net 2 Fluid Oz.") "The Garibaldi Co., Chicago."

Examination of samples of the article by the Bureau of Chemistry of this department showed that the bottles contained less than the quantity declared on the respective labels, the shortages in the samples examined ranging in the 2-ounce size from 6.5 to 22.5 per cent and in the 6-ounce size from 9.50 to 11.8 per cent.

Misbranding of the article was alleged in the information for the reason that the statements, to wit, "Net 6 Fluid Oz." and "Net 2 Fluid Oz.," borne on the labels attached to the respective-sized bottles containing the said article, were false and misleading in that they represented that each of the said bottles contained 6 fluid ounces net, or 2 fluid ounces net, as the case might be, 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 each of the said bottles contained 6 fluid ounces net, or 2 fluid ounces net, as the case might be, of the said article, whereas, in truth and in fact, each of the said bottles did not contain the amount declared on the respective labels 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 21, 1923, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$300.

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

12031. Misbranding of extract of lemon and extract of vanilla. U. S. v. Hallifax Bros. Co., a Corporation. Plea of guilty. Fine, \$25. (F. & D. No. 17789. I. S. Nos. 8096-v, 8479-v, 8480-v.)

On November 14, 1923, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Hallifax Bros. Co., a corporation, Sacramento, Calif., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, in various consignments, namely, on or about August 16 and October 18, 1922, and January 10, 1923, respectively, from the State of California into the State of Nevada, of quantities of extract of lemon and extract of vanilla which were misbranded. The articles were labeled in part: (Cartons) "Hallifax Quality Pure Extract Of Lemon" (or "Vanilla") "Manufactured by The Hallifax Bros. Co. Sacramento, Cal. Net Measure 1½ Ozs."

Examination of samples of the articles by the Bureau of Chemistry of this department showed that the bottles contained less than 1½ ounces, the said samples ranging from 1.18 to 1.34 fluid ounces.

Misbranding of the articles was alleged in the information for the reason that the statement, to wit, "Net Measure 1½Ozs.," borne on the cartons enclosing the bottles containing the said articles, was false and misleading in that it represented that each of the said bottles contained not less than 1½ fluid ounces net of the article contained therein, and for the further reason that the said articles were labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of the said bottles contained 1½ fluid ounces net of the article contained therein, whereas, in truth and in fact, each of said bottles did not contain 1½ fluid ounces net but did contain a less amount. Misbranding was alleged for the further reason that the articles were food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages.

On December 12, 1923, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25.

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