

of and was offered for sale and sold under the distinctive name of another article, to wit, olive oil, and for the further reason that it purported to be a foreign product when not so. 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 3, 1924, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$250.

W. M. JARDINE, *Secretary of Agriculture.*

12850. Adulteration and misbranding of salad oil. U. S. v. Harry Arony and George Papitsas (Arony & Papitsas). Pleas of guilty. Fine, \$250. (F. & D. No. 16949. I. S. No. 7107-t.)

On February 17, 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 Harry Arony and George Papitsas, copartners, trading as Arony & Papitsas, alleging shipment by said defendants, in violation of the food and drugs act as amended, on or about April 27, 1922, from the State of New York into the State of New Jersey, of a quantity of salad oil which was adulterated and misbranded. The article was labeled in part: (Can) "One Gallon General Cadorna Brand * * * Lucca Type Imported And Packed By Arony & Papitsas."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the product was cottonseed oil with little or no olive oil present. Examination by said bureau showed that the average volume of 5 cans was 0.964 gallon.

Adulteration of the article was alleged in the information 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.

Misbranding was alleged for the reason that the statements, to wit, "One Gallon," "Olio Sopraffino," "Guaranteed Superfine," "Lucca Type," and "Imported," not corrected by the inconspicuous statement "Cotton Seed Oil Flavored With Olive Oil," together with the designs and devices of olive branches bearing olives, the cities of Trento and Trieste, and the Italian shield bearing the portrait of General Luigi Cadorna, 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 said article was olive oil, that it was a foreign product, to wit, an olive oil produced in Italy, and that each of the said cans contained 1 gallon 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 it was olive oil, that it was a foreign product, to wit, an olive oil produced in Italy, and that each of said cans contained 1 gallon of the said article, whereas, in truth and in fact, the said article was not olive oil but was a mixture composed in large 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 1 gallon of the article but did contain a less amount. Misbranding was alleged for the further reason that the statement "Lucca, Italy," together with the design and device of Italian flags, purported the article to be a foreign product when not so, and for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package. Misbranding was alleged for the further reason that the statement, to wit, "Cotton Seed Oil Flavored With Olive Oil," borne on the cans containing the article, was false and misleading, in that it represented that the said article was flavored with olive oil, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was flavored with olive oil, whereas, in truth and in fact, it was not flavored with olive oil, in that it contained no flavor of olive oil.

On November 3, 1924, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$250.

W. M. JARDINE, *Secretary of Agriculture.*