

6984. **Adulteration and misbranding of olive oil. U. S. * * * v. John S. Perides. Plea of guilty. Fine, \$60.** (F. & D. No. 9497. I. S. No. 13715-r.)

On March 5, 1919, 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 John S. Perides, New York, N. Y., alleging shipment by said defendant, in violation of the Food and Drugs Act, as amended, on July 25, 1918, from the State of New York into the State of Pennsylvania, of a quantity of an article, labeled in part "Extra Pure Termini Imerese Brand Olive Oil," which was adulterated and misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the following results:

Average net contents of 12 cans-----	1 pint 14.3 fluid ounces.
Average shortage (fluid ounces)-----	1.7
Average shortage (per cent)-----	5.3

Adulteration of the article was alleged in the information 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 article purported to be.

Misbranding of the article was alleged for the reason that the statements, to wit, "Extra Pure Termini Imerese Brand, Net Contents Full $\frac{1}{4}$ Gallon, Olive Oil, Guaranteed Absolutely Pure, Sicily-Italy," borne on the cans containing the article, regarding it and the ingredients and substances contained therein, were false and misleading in that they represented that the article was pure olive oil, that it was a foreign product, to wit, an olive oil produced in Sicily, in the kingdom of Italy, and that said cans each contained 1 full quarter 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 pure olive oil, that it was a foreign product, to wit, an olive oil produced in Sicily, in the kingdom of Italy, and that each of said cans contained 1 full quarter gallon of the article, whereas, in truth and in fact, it was not pure olive oil, and was not a foreign product, to wit, an olive oil produced in Sicily, in the kingdom of Italy, and each of said cans did not contain 1 full quarter gallon of the article, but said article was a mixture composed in part of cottonseed oil, and was a domestic product, to wit, a product manufactured in the United States of America, and said cans contained less than 1 full quarter gallon of the article; and for the further reason that it was falsely branded as to the country in which it was manufactured and produced, in that it was a product manufactured and produced in the United States of America, and was branded as manufactured and produced in the kingdom of Italy; and for the further reason that it was a mixture composed in part of cottonseed oil prepared in imitation of olive oil, and was sold under the distinctive name of another article, to wit, olive oil; and for the further reason that by the statements on the label it purported to be a foreign product, when not so. Misbranding of the article was alleged for the further reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously stated on the outside of the package.

On March 19, 1919, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$60.

E. D. BALL, *Acting Secretary of Agriculture.*