

Connecticut, of a quantity of an article, labeled in part "Olive Oil," which was adulterated and misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the product to consist in whole or in part of a substance other than olive oil, probably corn oil, and to have a net volume of 3 quarts, 1 pint, and 10.35 fluid ounces.

Adulteration of the article was alleged in the information for the reason that a substance, to wit, an oil other than olive 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, "Olive Oil," and "1 Gallon Net," 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 olive oil, and that each of said cans contained 1 gallon net 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, and that each of said cans contained 1 gallon net of the article, whereas, in truth and in fact, it was not olive oil, but was a mixture composed in part of an oil other than olive oil, and each of said cans did not contain 1 gallon net of the article, but contained a less amount, and for the further reason that it was a mixture composed in part of an oil other than olive oil, prepared in imitation of olive oil, and was sold under the distinctive name of another article, to wit, olive oil. 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 marked on the outside of the package.

On May 14, 1919, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$25.

E. D. BALL,

*Acting Secretary of Agriculture.*

**7049. Adulteration and misbranding of egg noodles. U. S. \* \* \* v. United States Macaroni Mfg. Co., a corporation. Plea of guilty. Fine, \$25. (F. & D. No. 9591. I. S. No. 16752-p.)**

On May 3, 1919, the United States attorney for the Eastern District of Washington, 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 United States Macaroni Mfg. Co., a corporation, Spokane, Wash., alleging shipment by said company, in violation of the Food and Drugs Act, on or about April 9, 1918, from the State of Washington into the State of Montana, of a quantity of an article, labeled in part "Superior Quality Macaroni \* \* \* Egg Noodles," which was adulterated and misbranded.

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

	Per cent.
Ether extract -----	0.50
Lecithin as P <sub>2</sub> O <sub>5</sub> -----	0.022
Color: Tartrazine (S. & J. 94).	

Analysis shows product to contain very little egg solids (less than  $\frac{1}{2}$  per cent), and also to be artificially colored.

Adulteration of the article was alleged in the information for the reason that a substance, to wit, an alimentary paste containing little or no egg, was

substituted in whole for egg noodles, which the article purported to be, and for the further reason that it was a product inferior to egg noodles, to wit, a product composed of an alimentary paste containing little or no egg, prepared in imitation of egg noodles, and was colored with a certain coal tar dye, to wit, tartrazine, S. & J. 94, so as to simulate the appearance of egg noodles, and in a manner whereby its inferiority to egg noodles was concealed.

Misbranding of the article was alleged for the reason that the statement, to wit, "Egg Noodles," borne on the boxes containing the article, regarding it and the ingredients and substances contained therein, was false and misleading in that it represented that the article was egg noodles, 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 egg noodles, whereas, in truth and in fact, it was not, but was an artificially colored alimentary paste containing little or no egg.

On July 16, 1919, the defendant company entered a plea of guilty to the information, and the court imposed a fine of \$25.

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

**7050. Misbranding of evaporated milk. U. S. \* \* \* v. J. Trump & Sons Mercantile Co., a corporation. Plea of guilty to count 6 of information. Fine, \$50 and costs. Other counts of information nolle prossed. (F. & D. No. 9595. I. S. No. 12150-p.)**

On May 9, 1919, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information in six counts against J. Trump & Sons Mercantile Co., a corporation, Kahoka, Mo., alleging shipment by the defendant company, in the sixth count of said information, on or about May 16, 1918, from the State of Missouri into the State of Iowa, in violation of the Food and Drugs Act, of a quantity of an article, labeled in part "Kahoka Brand Evaporated Milk," which was misbranded.

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

	Per cent.
Fat by Roesse-Gottlieb-----	7.10
Total solids by drying-----	24.73

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "Evaporated Milk," borne on the labels attached to the cans containing the article, regarding it and the ingredients and substances contained therein, was false and misleading in that it represented that the article consisted wholly of evaporated milk, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it consisted wholly of evaporated milk, whereas, in truth and in fact, it did not so consist, but consisted of a mixture composed in part of an insufficiently condensed milk low in fat and total solids, and for the further reason that it was a mixture composed in part of an insufficiently condensed milk product low in fat and total solids prepared in imitation of evaporated milk and was offered for sale and sold under the distinctive name of another article, to wit, evaporated milk.

On May 26, 1919, the defendant company entered a plea of guilty to said sixth count of the information, and the court imposed a fine of \$50 and costs. A nolle prosequi was entered as to the first five counts of the information.

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