

in truth and in fact, it was not, but was a product composed in part of a mixture which contained excessive alcohol, added mineral matter, and added water.

Adulteration of the article in the shipment on October 8, 1917, was alleged for the reason that a mixture containing distilled vinegar, an apple pomace product, mineral matter, and water had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality, and for the further reason that a mixture containing distilled vinegar, an apple pomace product, added mineral matter, and an excessive amount of added water had been substituted in part for apple cider vinegar reduced with water, which the article purported to be.

Misbranding of the article was alleged for the reason that the statement, to wit, "Apple Cider Vinegar Reduced with Water," borne on the barrels containing the article, regarding it and the ingredients and substances contained therein, was false and misleading in that it represented that the article was apple cider vinegar reduced with water, 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 apple cider vinegar reduced with water, whereas, in truth and in fact, it was not, but was a product composed in part of a mixture which contained distilled vinegar, an apple pomace product, added mineral matter, and an excessive amount of added water, and for the further reason that the statement, to wit, "48 Gals.," borne on the barrels containing the article, regarding it, was false and misleading in that it represented that each of said barrels contained 48 gallons 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 said barrels contained 48 gallons of the article, whereas, in truth and in fact, each of said barrels did not contain 48 gallons of the article, but contained a less amount. 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 November 10, 1919, an order of nolo contendere was entered in the case, and the court imposed a fine of \$5.

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

**7153. Adulteration and misbranding of olive oil. U. S. \* \* \* v. Mario Campolieti. Plea of guilty. Fine, \$5. (F. & D. No. 9752. I. S. Nos. 18429-r, 18430-r.)**

On July 18, 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 Mario Campolieti, New York, N. Y., alleging shipment by said defendant, in violation of the Food and Drugs Act, as amended, on June 15, 1918, from the State of New York into the State of Florida, of a quantity of olive oil, in half-gallon and gallon cans, which was adulterated and misbranded.

Analyses of samples of the article by the Bureau of Chemistry of this department showed the following results:

	Half-gallon cans.	Gallon cans.
Specific gravity at 25°/25° C_____	0.9203	0.9191
Iodin number _____	111.0	114.0
Average net volume of 36 half-gallon cans (gallon) _____	0.45	
Average net volume of 10 gallon cans (gallon) _____		0.92

Halphen test for cottonseed oil on each size: Strongly positive.

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 large part for olive oil, which the article purported to be. Adulteration of the article was alleged for the further reason that it was sold under and by a name recognized in the United States Pharmacopœia and differed from the standard of strength, quality, and purity as determined by the test laid down in said Pharmacopœia, official at the time of investigation of the article, in that said Pharmacopœia provides that olive oil is a fixed oil obtained from Oleo Europœa, whereas said article was an oil obtained in large part from cotton seed, and in that said Pharmacopœia provides that the specific gravity of olive oil shall be 0.910 to 0.915 at 25°C., whereas the specific gravity of the article was 0.9203 or 0.9191, as the case might be, at 25°C., and in that said Pharmacopœia provides that the iodine number of olive oil shall be not more than 90, whereas said article showed an iodine number of 111.0 or 114.0, as the case might be.

Misbranding of the article was alleged for the reason that the statements, to wit, "This Olive Oil is Guaranteed to be Absolutely Pure and is Made from the Finest Selected Olives Grown on the Italian Riviera, This Virgin Oil is Highly Recommended for Medicinal and Table Use, Vergine, Questo Olio D'Oliva Prodotto Della Riviera Ligure, E Garantito Purissimo, E Insuperabile Sia Per Uso Medicinale Che Per Tavola, First Pressing Cream Olive Oil, Half Gallon Full Measure Guaranteed," or "One Gallon Full Measure Guaranteed," 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 on the Italian Riviera, that each of said cans contained  $\frac{1}{2}$  gallon or 1 full 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 pure olive oil, that it was a foreign product, to wit, an olive oil produced on the Italian Riviera, and that each of said cans contained  $\frac{1}{2}$  gallon or 1 full gallon net of the article, whereas, in truth and in fact, it was not pure olive oil, but was a mixture composed in part of cottonseed oil, and was not a foreign product, to wit, an olive oil produced on the Italian Riviera, but was a domestic product, to wit, a product produced in the United States of America, and each of said cans did not contain  $\frac{1}{2}$  gallon or 1 full gallon net of the article, but contained a less amount; and for the further reason that it was falsely branded as to the country in which it was produced in that it was a product produced in whole or in part in the United States of America, and was branded as produced on the Italian Riviera; and for the further reason that it was a mixture composed in large 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 the statements borne on the cans purported that the article was 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 marked on the outside of the package.

On July 30, 1919, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$5.

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