

and certain other diseases, were false and fraudulent and calculated to deceive and mislead the purchaser in that the article contained no ingredient or combination of ingredients capable of producing the curative or therapeutic effects claimed for it.

On August 25, 1919, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

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

**7491. Adulteration of oysters. U. S. \* \* \* v. Joseph N. Thompson (George Thompson & Son). Plea of guilty. Fine, \$25. (F. & D. No. 10888. I. S. No. 2413-r.)**

On February 6, 1920, 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 Joseph N. Thompson, trading as George Thompson & Son, New York, N. Y., alleging shipment by said defendant, in violation of the Food and Drugs Act, on January 10, 1919, from the State of New York into the State of California, of a quantity of oysters which were adulterated.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the product contained added water.

Adulteration of the article was alleged in the information for the reason that a certain substance, to wit, water, had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, and for the further reason that certain valuable constituents of the article had been abstracted therefrom.

On February 11, 1920, 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.*

**7492. Adulteration and misbranding of olive oil. U. S. \* \* \* v. Herman Kienzler, a Corporation. Plea of guilty. Fine, \$300. (F. & D. No. 10886. I. S. Nos. 15371-r, 15374-r.)**

On December 16, 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 Herman Kienzler, a corporation, New York, N. Y., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on December 28, 1918, from the State of New York into the State of Maryland, of a quantity of olive oil which was adulterated and misbranded, and on January 17, 1919, from the State of New York into the State of Maryland of a quantity of olive oil which was misbranded. The article was labeled in part, "La Reine De Nice Olive Oil."

Analyses of samples of the article by the Bureau of Chemistry of this department showed that the shipment of December 28, 1918, contained a large amount of peanut oil and some cottonseed oil and that the cans were short volume, and that the cans from the shipment of January 17, 1919, were short volume.

Adulteration of the article in the shipment of December 28, 1918, was alleged in the information for the reason that certain substances, to wit, cottonseed oil and peanut 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 in the shipment of December 28, 1918, was alleged for the reason that the statements, to wit, "La Reine De Nice Olive Oil," "This

olive oil is pressed from queen olives at Nice, France," "Famous for ranking first in quality," "It is warranted strictly pure and testified to under oath by the official City Chemist of Nice," "The undersigned Chemist Expert of the Town Hall of Nice declares that the Olive Oil, Reine de Nice, after undergoing a severe analysis has been found a strictly pure olive oil," "First Pressing Virgin Olive Oil Guaranteed Pure," and "One Gallon," 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 first in quality, that it was a foreign product, to wit, an olive oil produced at the city of Nice, in the republic of France, and that it had been analysed and found to be a strictly pure olive oil by the chemist expert of the town hall of the city of Nice, in the republic of France, that said article was olive oil pressed from queen olives at the city of Nice, in the republic of France, that it was first pressing virgin olive oil guaranteed pure, and that each of 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 pure olive oil, and that it was first in quality and was a foreign product, to wit, an olive oil produced at the city of Nice, in the republic of France, and that it had been analysed and found to be strictly pure olive oil by the chemist expert of the town hall of the city of Nice, in the republic of France, and was olive oil pressed from queen olives at the city of Nice, in the republic of France, and was first pressing virgin olive oil guaranteed pure, and that each of said cans contained 1 gallon 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 peanut oil, and was not a foreign product, to wit, an olive oil produced at the city of Nice, in the republic of France, but was a domestic product, to wit, a product produced in the United States of America, and was not of first quality, and had not been analysed and found to be a strictly pure olive oil by the chemist expert of the town hall of the city of Nice, in the republic of France, and was not pressed from queen olives at the city of Nice, in the republic of France, and was not first pressing virgin olive oil guaranteed pure, and each of said cans did not contain 1 gallon of the article, but contained a less amount; for the further reason that it was a mixture composed in part of cottonseed oil and peanut oil prepared in imitation 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 the statements borne on the cans purported that it 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.

Misbranding of the article in the shipment of January 17, 1919, was alleged for the reason that the statement, to wit, "One Gallon," borne on the cans containing the article, regarding it and the ingredients and substances contained therein, was false and misleading in that it represented that each of said cans contained 1 gallon of the article, whereas, in truth and in fact, it did not contain 1 gallon 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 December 17, 1919, the defendant company entered a plea of guilty to the information, and the court imposed a fine of \$300.

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