

Court of the United States for said district an information against Gabriel Carbateas and Nicholas S. Monahos, copartners, doing business as N. S. Monahos, New York, N. Y., alleging shipment by said defendants, in violation of the Food and Drugs Act, as amended, on or about January 26, 1918, from the State of New York into the State of Colorado, of a quantity of an article, labeled in part "Extra Fine Imported Olive Oil Lemnos Brand * * * Net Contents $\frac{1}{4}$ Gallon," which was misbranded.

Examination of a sample of the article by the Bureau of Chemistry of this department showed that it was short volume.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "Net Contents $\frac{1}{4}$ Gallon," borne on the cans containing the article, regarding it, was false and misleading in that it represented that each of the cans contained $\frac{1}{4}$ 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 each of said cans contained $\frac{1}{4}$ gallon net of the article, whereas, in truth and in fact, each of said cans did not contain $\frac{1}{4}$ gallon net of the article, but did contain a less amount. 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 June 23, 1920, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$25.

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

8240. Misbranding of olive oil. U. S. * * * v. Gabriel Carbateas and Nicholas S. Monahos (N. S. Monahos). Pleas of guilty. Fine, \$25.
(F. & D. No. 11980. I. S. No. 11653-r.)

On June 21, 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 Gabriel Carbateas and Nicholas S. Monahos, copartners, doing business as N. S. Monahos, New York, N. Y., alleging shipment by said defendants, in violation of the Food and Drugs Act, as amended, on or about April 16, 1919, from the State of New York into the State of Texas, of a quantity of an article, labeled in part "Monaho's Olio di Oliva Puro Termini Imerese * * * Net Contents 1 Quart," which was misbranded.

Examination of the article by the Bureau of Chemistry of this department showed that it was short volume.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "Net Contents 1 Quart," borne on the cans containing the article, regarding it, was false and misleading in that it represented that each of the cans contained 1 quart 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 each of said cans contained 1 quart net of the article, whereas, in truth and in fact, each of said cans did not contain 1 quart net of the article, but did contain a less amount. 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 June 23, 1920, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$25.

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