

S241. Misbranding of olive oil. U. S. * * * v. Gabriel Carbateas and Nicholas S. Monahos (N. S. Monahos). Pleas of guilty. Fine, \$25.
(F. & D. No. 11983. I. S. No. 12727-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 Rhode Island, 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 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 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.*

S242. Misbranding of Jay Brand Cottonseed Meal. U. S. * * * v. Roberts Cotton Oil Co., a Corporation (F. W. Brode & Co.). Plea of guilty. Fine, \$100 and costs. (F. & D. No. 12004. I. S. No. 11066-r.)

On April 21, 1920, the United States attorney for the Eastern District of Illinois, 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 Roberts Cotton Oil Co., a corporation, doing business at Cairo, Ill., alleging shipment by said company, in violation of the Food and Drugs Act, on or about November 11, 1918, in the name of F. W. Brode & Co., from the State of Illinois into the State of Michigan, of a quantity of an article, labeled in part "Jay Brand Cotton Seed Meal," which was misbranded.

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

	Per cent.
Crude fiber-----	17.64
Nitrogen-----	5.19
Ammonia-----	6.30
Protein-----	32.4

Misbranding of the article was alleged in the information for the reason that the following statements, to wit, "Ammonia, Minimum 7.00% Protein, Minimum 36.00% * * * Nitrogen, Minimum 5.75% * * * Fibre, Maximum 14.00%," borne on the tags attached to the sacks containing the article, regarding it and the ingredients and substances contained therein, were false and misleading in that they represented that the article contained not less than 7 per cent of ammonia, not less than 36 per cent of protein, not less than 5.75 per cent of nitrogen, and not more than 14 per cent of fiber, and for the further reason