

Belleville Cotton Oil Co., a corporation, Belleville, Tex., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about October 12, 1918, from the State of Texas into the State of Kansas, of a quantity of cottonseed cake which was misbranded.

Examination of the article by the Bureau of Chemistry of this department showed the average gross weight of 100 sacks to be 95.33 pounds.

Misbranding of the article was alleged in the information for the 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 September 27, 1920, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

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

8738. Adulteration and misbranding of tomatoes. U. S. * * * v. William P. Andrews (Andrews Packing Co.). Plea of nolo contendere. Fine, \$25 and costs. (F. & D. No. 12357. I. S. No. 15941-r.)

On October 7, 1920, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against William P. Andrews, trading as the Andrews Packing Co., Salem, Md., alleging shipment from Linkwood, Md., by said defendant, in violation of the Food and Drugs Act, on or about October 7, 1919, from the State of Maryland into the State of Pennsylvania, of a quantity of tomatoes which were adulterated and misbranded. The article was labeled in part, "Asquith Brand Tomatoes * * * Packed by Andrews Packing Co., Salem, Md."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the presence of added water.

Adulteration of the article was alleged in the information for the reason that a substance, to wit, water, had been mixed and packed therewith so as to lower, reduce, and injuriously affect its quality and strength, and had been substituted in part for tomatoes, which the article purported to be.

Misbranding was alleged for the reason that the statement, to wit, "Tomatoes," 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 tomatoes, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it consisted wholly of tomatoes, whereas, in truth and in fact, it consisted in part of added water.

On October 7, 1920, the defendant entered a plea of nolo contendere to the information, and the court imposed a fine of \$25 and costs.

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

8739. Misbranding of olive oil. U. S. * * * v. Louis Puccinelli. Plea of guilty. Fine, \$100. (F. & D. No. 12362. I. S. No. 2947-r.)

On August 25, 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 Louis Puccinelli, New York, N. Y., alleging shipment by said defendant, in violation of the Food and Drugs Act, as amended, from the State of New York into the State of California, on September 12, 1919, of a quantity of olive oil which was misbranded. The article was labeled in part, "Net One Gallon" (or "Net Half Gallon") "Pure Olive Oil L. Puccinelli * * *."

Examination of samples of the article by the Bureau of Chemistry of this department showed in both the gallon and half-gallon cans an average shortage of 4.8 per cent.

Misbranding of the article was alleged in the information for the reason that the statements "Net One Gallon" and "Net Half Gallon," borne on the cans containing the article, regarding the article, were false and misleading in that they represented that each of the cans contained 1 gallon or $\frac{1}{2}$ gallon net of the article, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of the cans contained 1 gallon or $\frac{1}{2}$ gallon net of the article, whereas, in truth and in fact, each of said cans contained 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 August 25, 1920, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$100.

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

S740. Adulteration and misbranding of olive oil. U. S. * * * v. 559
Cases of Alleged Italian Olive Oil. Consent decree of condemnation and forfeiture. Product released on bond. (F. & D. No. 10909. I. S. No. 2979-r. S. No. W-456.)

On August 5, 1919, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 559 cases of alleged Italian olive oil, composed of 25 cases each containing 2 5-gallon cans, 40 cases each containing 12 1-gallon cans, 10 cases each containing 24 $\frac{1}{2}$ -gallon cans, 20 cases each containing 48 $\frac{1}{4}$ -gallon cans, 125 cases each containing 96 $\frac{1}{8}$ -gallon cans, 40 cases each containing 24 8-ounce bottles, 80 cases each containing 24 4-ounce bottles, and 219 cases each containing 36 2-ounce bottles, remaining unsold in the original unbroken packages at Los Angeles, Calif., alleging that the article had been shipped by Strohmeyer & Arpe Co., New York, N. Y., on or about July 9, 1919, and transported from the State of New York into the State of California, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled: (Cans) "Olio D'Oliva Purissimo Garantito Marca Re Umberto 1. Choicest Pure Olive Oil Pure Olive Oil. Registered U. S. Patent Office S. M. Umberto 1 Re D'Italia Re Umberto Brand Pure Olive Oil Net Contents 5-gallon," or "1-gallon," " $\frac{1}{2}$ -gallon," " $\frac{1}{4}$ -gallon," " $\frac{1}{8}$ -gallon," as the case might be, with a design of the head of the King of Italy and a design of medallions and flag of Italy; (bottles) "R. U. Re Umberto Brand Pure Olive Oil For table and medicinal purposes, Net Weight 8 ounces," or "4 ounces," or "2 ounces," as the case might be, "Strohmeyer & Arpe Co., New York," with a design of the face of the King of Italy and "S. M. Umberto Re D'Italia."

Adulteration of the article was alleged in the libel for the reason that Spanish olive oil had been substituted wholly or in part for Italian olive oil, which the article purported to be. Misbranding was alleged for the reason that the cans and bottles were labeled with the statements, designs, and devices as aforesaid, which were false and misleading, and deceived and misled the respective purchasers thereof into the belief that the product was olive oil of Italian origin, whereas it was a Spanish olive oil.

On September 16, 1919, the Strohmeyer & Arpe Co., New York, N. Y., having entered an appearance as claimant of the property and confessed judgment, a