

it and the ingredients and substances contained therein, were false and misleading in that they represented that the article was an egg substitute, that is to say, that eggs were not needed for cooking if the article was used, that said article could be used in place of eggs in baking and cooking, that the contents of each of the packages containing the article could be used the same as twelve eggs, and that one teaspoonful of said article could be used in place of each egg called for in the recipe, whereas, in truth and in fact, said article was not an egg substitute, that is to say, eggs would be needed for cooking when using the article, said article could not be used in place of eggs in cooking and baking, the contents of one of said packages could not be used as twelve eggs, and one teaspoonful of the article could not be used in place of each egg called for in the recipe. Misbranding was alleged for the further reason that the statement, to wit, "Manufactured From Corn Starch, Skimmed Milk Powder, Milk Casein, Powdered Eggs, Rice Flour, Bicarbonate Of Soda, And Certified Colbrs," borne on the packages containing the article, regarding it and the ingredients and substances contained therein, was false and misleading in that it represented that the article consisted of the ingredients named on the label as aforesaid, whereas, in truth and in fact, said article did not so consist, but was a product containing little or no egg. Misbranding was alleged for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was an egg substitute, that is to say, that no eggs were needed for cooking when using the article, that said article could be used in place of eggs in baking and cooking, that the contents of one of the packages could be used as twelve eggs, and that one teaspoonful of said article could be used in place of each egg called for in the recipe, whereas, in truth and in fact, said article was not an egg substitute, that is to say, eggs would be needed for cooking when using the article, and said article could not be used in place of eggs in cooking and baking, and the contents of one of said packages could not be used in place of twelve eggs, and one teaspoonful of said article could not be used for each egg called for in the recipe, and said article did not contain powdered eggs, but was a mixture containing little or no egg.

On May 31, 1921, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$50.

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

9382. Adulteration and misbranding of oil. U. S. * * * v. Giovanni Ballanca, Stefano Friscio, and Stephen Gerardi, Copartners. Pleas of guilty. Fine, \$25. (F. & D. No. 10887. I. S. No. 14933-r.)

On October 24, 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 Giovanni Ballanca, Stefano Friscio, and Stephen Gerardi, copartners, trading at New York, N. Y., alleging shipment by said defendants, in violation of the Food and Drugs Act, as amended, on November 20, 1918, from the State of New York into the State of New Jersey, of a quantity of an article labeled, "Qualita Superiore" (map of Italy, Sicily, and Tripolitania, and cut of girl with Italian flag) "Olio Puro Garantito $\frac{1}{4}$ Gallon Net Sotto Qualsiasi Analisi Chimica," which article was adulterated and misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it was a mixture of cottonseed and peanut oils, with little or no olive oil, and that the containers were short in volume.

Adulteration of the article 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 was alleged for the reason that the statements, to wit, "Qualita Superiore," "Olio Puro," "Garantito * * * Sotto Qualsiasi Analisi Chimica," and "¼ Gallon Net," together with the designs and devices of the map of Italy and the Italian flag, 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 olive oil, that it was a foreign product, to wit, an olive oil produced in the Kingdom of Italy, and that each of said cans contained ¼ 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 olive oil, that it was a foreign product, to wit, an olive oil produced in the Kingdom of Italy, and that each of the cans contained ¼ gallon net of the article, whereas, in truth and in fact, said article was not olive oil, but was a mixture composed in part of cottonseed oil and peanut oil, it was not a foreign product, to wit, an olive oil produced in the Kingdom of Italy, but was a domestic product, to wit, a product produced in the United States of America, and each of said cans did not contain ¼ gallon net of the article, but did contain a less amount. Misbranding was alleged for the further reason that the statements borne on the cans aforesaid purported that said article was a foreign product, when not so, and 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 May 23, 1921, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$25.

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

9383. Misbranding of Gauvin's Cough Syrup and Sirop D'Anis. U. S. * * *
v. 133 Bottles of Gauvin's Cough Syrup, et al., and 126 Bottles of Sirop D'Anis, et al. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 12485 to 12495, inclusive, 12620 to 12639, inclusive, 12644 to 12654, inclusive, 12654-a, 12671, 12685 to 12691, inclusive, 12752 to 12755, inclusive, 12782 to 12787, inclusive, 12846, 12847, 12862, 12863, 12870. I. S. Nos. 314-r, 316-r, 321-r, 323-r, 313-r, 315-r, 317-r, 318-r, 319-r, 320-r, 322-r, 306-r, 13088-r, 301-r, 13247-r, 309-r, 310-r, 324-r, 17805-r, 13249-r, 303-r, 307-r, 308-r, 13087-r, 13248-r, 13250-r, 311-r, 312-r, 325-r, 326-r, 13246-r, 328-r, 336-r, 332-r, 339-r, 338-r, 337-r, 335-r, 329-r, 333-r, 334-r, 331-r, 330-r, 327-r, 13091-r, 340-r, 342-r, 341-r, 343-r, 302-r, 346-r, 489-r, 488-r, 483-r, 486-r, 17806-r, 17807-r, 17812-r, 17803-r, 17809-r, 17811-r, 17810-r, 471-r, 469-r, 470-r, 472-r. S. Nos. E-2123 to E-2133, inclusive, E-2137, E-2140, E-2135, E-2151, E-2138, E-2139, E-2148, E-2149, E-2152, E-2142, E-2144 to E-2146, inclusive, E-2150, E-2155, E-2154, E-2153, E-2156 to E-2158, inclusive, E-2173, E-2175 to E-2177, inclusive, E-2184, E-2166, E-2169, E-2172, E-2167, E-2168, E-2170, E-2171, E-2183, E-2200, E-2207, E-2214, E-2215, E-2213, E-2141, E-2206, E-2264, E-2268, E-2269, E-2267, E-2284, E-2286, E-2288, E-2287, E-2295, E-2289, E-2332, E-2340, E-2345, E-2349, E-2350.)

During May and June, 1920, the United States attorney for the District of New Hampshire, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of approximately 4,542 bottles of Gauvin's Cough Syrup and approximately 6,400 bottles of Sirop D'Anis, at various points in New Hampshire, alleging that the articles had been shipped during the years 1916, 1917, 1918, 1919, and 1920, by J. A. E. Gauvin, Lowell, Mass., and transported from the State of Massachusetts into the State of New Hampshire, and charging misbranding in violation of the Food and Drugs Act, as amended. The bottles con-