

to wit, "flavored slightly with Pure Olive Oil," and "0.98 Of Half Gallon Or 3¾ Lbs. Net," borne on the cans containing the said article, were false and misleading, in that they represented that each of the said cans contained one-half gallon of the article, that it was flavored slightly with pure olive oil, and that each of the said cans contained 0.98 of a half gallon or 3¾ pounds net of the said 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 the said cans contained one-half gallon of the article, that it was flavored slightly with pure olive oil, and that each of the said cans contained 0.98 of a half gallon or 3¾ pounds net of the said article, whereas, in truth and in fact, each of the said cans did not contain one-half gallon of the article, it was not flavored slightly with pure olive oil, but was composed in large part of corn oil and contained an inappreciable amount, if any, of olive oil, and each of the said cans did not contain 0.98 of a half gallon or 3¾ pounds 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 April 13, 1925, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13292. Misbranding of olive oil and salad oil. U. S. v. Nicholas G. Makris. Plea of guilty. Fine, \$70. (F. & D. No. 19287. I. S. Nos. 9826-v, 9827-v, 11517-v, 11518-v, 20649-v, 20650-v.)

On March 23, 1925, 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 Nicholas G. Makris, 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 Utah, in various consignments, namely, on or about March 8 and September 29, 1923, respectively, of quantities of olive oil, and on or about September 29 and October 13, 1923, respectively, of quantities of salad oil which were misbranded. The articles were labeled in part, respectively: (Can) "Makris Brand Imported Lucca Olive Oil * * * Net Contents One-Gallon" (or "Net Contents Half Gallon" or "Net Contents One Quart") "B. G. Makris" and "Uncle Sam Oil Our Brand * * * Winterpressed Vegetable Salad Oil * * * Net Contents One Gallon Packed By B. G. Makris New York."

Examination by the Bureau of Chemistry of this department of 33 of the 1-gallon size cans, 30 of the half gallon size cans, and 41 of the 1-quart size cans of olive oil showed that they averaged 113.4, 61.7, and 30.6 fluid ounces, respectively. Examination by said bureau of 45 of the 1-gallon size cans of salad oil showed an average of 113.3 fluid ounces.

Misbranding of the articles was alleged in the information for the reason that the statements, to wit, "Net Contents One Gallon," "Net Contents Half Gallon," and "Net Contents One Quart," borne on the cans containing the respective articles, were false and misleading, in that they represented that the said cans contained 1 gallon, one half gallon, or 1 quart of the respective articles, as the case might be, and for the further reason that the articles were labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the said cans contained 1 gallon, one half gallon, or 1 quart of the respective articles, as the case might be, whereas the said cans did not contain the amounts declared on the labels but did contain less amounts. Misbranding was alleged for the further reason that the articles were food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages.

On April 6, 1925, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$70.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13293. Adulteration and misbranding of jams. U. S. v. 3,250 Jars of Strawberry Jam, et al. Consent decree of condemnation and forfeiture. Products released under bond. (F. & D. No. 19869. I. S. Nos. 20374-v, 20375-v. S. No. W-1651.)

On March 4, 1925, the United States attorney for the Northern 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 praying the seizure