

It was alleged to be adulterated in that it consisted wholly or in part of a filthy vegetable substance.

On September 29, 1937, Ballard & Ballard Co., Mobile, Ala., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it should not be disposed of for human consumption, but that it might be disposed of for animal feed under the supervision of this Department.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27803. Adulteration and misbranding of olive oil. U. S. v. Moscahlades Bros., Inc., Socrates Moscahlades, and Adolphus Brook. Pleas of guilty. Socrates Moscahlades sentenced to 1 year on count 1 and 1 year on count 2, sentences to run consecutively but suspended, and defendant placed on probation for 2 years. Socrates Moscahlades also fined \$1,800; Adolphus Brook fined \$1,200; corporation fined \$18, payment of which was remitted. (F. & D. No. 37961. Sample Nos. 52914-B, 52915-B, 56197-B, 56198-B, 61735-B, 62918-B, 67701-B.)**

This product was adulterated with tea-seed oil.

On July 27, 1937, 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 an information against Moscahlades Bros., Inc., a corporation, New York, N. Y., and Socrates Moscahlades and Adolphus Brook, at the time of the shipments hereinafter mentioned, officers of the corporation, alleging shipment by said defendants in violation of the Food and Drugs Act on or about September 28, 1935, from the State of New York into the State of Pennsylvania; on or about January 14, January 21, and February 17, 1936, from the State of New York into the State of Ohio; on or about February 11, 1936, from the State of New York into the State of Missouri; and on or about March 3, 1936, from the State of New York into the State of Virginia of various lots of olive oil that was adulterated and misbranded. The article was labeled in part: "Elephant Brand Imported Virgin Olive Oil Embro Import Co. \* \* \* New York, N. Y. Sole Distributors."

The article was alleged to be adulterated in that tea-seed oil had been substituted in part for olive oil, which it purported to be; and in that tea-seed oil had been mixed and packed with it so as to reduce or lower its quality or strength.

It was alleged to be misbranded in that it was offered for sale under the distinctive name of another article; namely, olive oil; in that the statements, "Imported virgin olive oil \* \* \* puro olio d'oliva vergine \* \* \* The olive oil contained in this can is pressed from fresh picked selected olives. It is guaranteed to be absolutely pure under chemical analysis and is highly recommended for table use and medicinal purposes. L'olio di oliva che questa latta contiene. El prodotto da olive accuratamente scelte e garantito di essere assolutamente puro sotto qualunque analisi chimica. Esso e altamente raccomandato tanto per uso da tavola come per uso medicinale \* \* \* Imported Olive Oil," and the design on the main panel of an olive branch and olives, borne on the cans containing the article, were false and misleading and in that said statements and design were borne on the cans so as to deceive and mislead the purchaser in that they represented that the article was composed wholly of olive oil; whereas it was not composed wholly of olive oil but was a mixture of tea-seed oil and olive oil.

On October 4, 1937, pleas of guilty were entered on behalf of all defendants, and Socrates Moscahlades was sentenced to 1 year on count 1 and 1 year on count 2—sentences to run consecutively. Execution was suspended and defendant was placed on probation for 2 years. Socrates Moscahlades was also fined \$1,800. Adolphus Brook was fined \$1,200; and Moscahlades Bros., Inc., was fined \$18, which was remitted.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27804. Misbranding of olive oil. U. S. v. Moscahlades Bros., Inc., Socrates Moscahlades, and Adolphus Brook. Pleas of guilty. Fines, totaling \$150, which were remitted. (F. & D. No. 30134. I. S. No. 38663.)**

This product was short of the declared volume.

On April 21, 1933, 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 an information against Moscahlades Bros., Inc., New York, N. Y., and Socrates Moscahlades and Adolphus Brook, officers of the corporation, alleging shipment by said defendants in violation of the Food and Drugs Act as amended, on or about February 29, 1932, from the State of New York