

30425. Adulteration and misbranding of olive oil. U. S. v. Antonio Accardi (A. Accardi Co.). Plea of guilty. Fine, \$5. (F. & D. No. 37957. Sample Nos. 43873-D, 43874-B, 43875-B.)

This product was represented to consist wholly of olive oil of Italian origin, whereas it consisted in part of tea-seed oil.

On August 17, 1936, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Antonio Accardi, trading as A. Accardi Co., Boston, Mass., alleging shipment by said defendant in violation of the Food and Drugs Act, on or about November 8, 1935, from the State of Massachusetts into the State of Maine of quantities of olive oil which was adulterated and misbranded. The article was labeled in part: "Lola Brand * * * A. Accardi Distributor."

It 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. Misbranding was alleged further in that the following statements, "Pure Olio Vergine D'Oliva La Migliore * * * Extra I, Lucca, Italy, Olio Pure d'Oliva Sublime," and "The Olive Oil contained in this can is pressed from fresh-picked high grown fruit, packed by the grower under the best sanitary condition, and guaranteed to be absolutely pure under any chemical analysis. The producer begs to recommend to the consumer to destroy this can as soon as empty in order to prevent unscrupulous dealers from refilling it with adulterated Oil or Oil of an inferior quality. The producer warns all such dealers that he will proceed against them to the full extent of the law. * * * L'Olio d'Oliva contenute in questa latta e Ottenuto dal miglior frutto appena colto confezionato dal produttore nelle migliori condizione igieniche e garantito puro a qualsiasi analisi chimica. Il produttore raccomanda al consumatore di distruggere questa latta appena vuota affine di evitare che poco scrupolosi rivenditori la riempiano con olii adulterati con olii di qualita inferiore. Il produttore avverte tali rivenditori che procedera contro di loro a termini di legge." and "Imported from Italy," and the design of the map of Italy, olive branches, and gold medals, borne on the cans containing the articles, were false and misleading and were borne on the said cans so as to deceive and mislead the purchaser since they represented that the article was composed wholly of olive oil imported from Italy; whereas it consisted in part of tea-seed oil not imported from Italy.

On February 9, 1937, a plea of guilty was entered and the court ordered that the defendants' recognizance be accepted in the amount of \$1,000. On April 18, 1939, the court imposed a fine of \$5.

M. L. WILSON, *Acting Secretary of Agriculture.*

30426. Adulteration and misbranding of raspberry fruit extract. U. S. v. 18 Bottles of Extract of Raspberry (and 2 other seizure actions against the same product.) Default decrees of condemnation and destruction. (F. & D. Nos. 44041, 44042, 44119. Sample Nos. 11007-D, 11137-D, 11139-D.)

This product was represented to be genuine fruit extract of raspberry; whereas it contained beta-ionone, a synthetic chemical flavor not found in raspberry. The containers of one lot bore no statement of the quantity of the contents.

Between September 29 and October 10, 1938, the United States attorneys for the Southern District of Ohio and the Southern District of Indiana, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of 42 gallons of raspberry extract at Cincinnati, Ohio, and 56 kegs of raspberry extract at Terre Haute, Ind.; alleging that the article had been shipped in interstate commerce within the period from on or about August 20 to on or about September 24, 1938, from New York, N. Y.; and charging adulteration and misbranding in violation of the Food and Drugs Act. The libels filed in the Southern District of Ohio alleged that the article had been shipped by Seeley & Co., Inc. The libel filed in the Southern District of Indiana alleged that the article had been shipped by the Great Atlantic & Pacific Tea Co. This latter shipment had been delivered to the transportation company by Seeley & Co., Inc., of New York, and was included in consolidated car shipment on a bill of lading showing the Great Atlantic & Pacific Tea Co. as shipper. The latter lot was labeled in part: "Seeley & Co., Inc. Raspberry."

The article was alleged to be adulterated in that a substance containing beta-ionone, a synthetic chemical flavor, had been substituted wholly or in part for