

It was alleged in substance in the libel that the article was misbranded for the reason that the statements, design, and device borne on the labeling of the bottles, regarding the curative and therapeutic effect of said drugs, ingredients, and substances contained therein, were false and fraudulent in that the article contained no ingredients or combination of ingredients capable of producing the curative and remedial therapeutic effects claimed for it upon said label and wrapper.

On December 4, 1918, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

6837. Adulteration and misbranding of pepper. U. S. * * * v. Dwight Edwards Co., a corporation. Plea of guilty. Fine, \$25. (F. & D. No. 9341. I. S. No. 16130-p.)

On November 25, 1918, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Dwight Edwards Co., a corporation, Portland, Oreg., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about June 30, 1917, from the State of Oregon into the State of Washington, of a quantity of pepper which was adulterated and misbranded. The article was labeled "Pepper Dwight Edwards Company, Portland, Ore.," and bore a sticker reading "Adulterated with Pymia."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the following results: Microscopical examination and Jumeau's reagent showed the presence of at least 25 per cent (probably more) of ground olive stones, together with pepper tissues.

Adulteration of the article was alleged in the information for the reason that a substance other than pepper, to wit, ground olive pits, had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted wholly or in part for pepper, which the article purported to be.

Misbranding of the article was alleged for the reason that the statement borne on the label, to wit, "Pepper Adulterated with Pymia," was false and misleading, in that it represented to purchasers thereof that the article was a pepper adulterated with some substance known as pymia, 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 a mixture of pepper and a substance known as pymia, whereas, in truth and in fact, it consisted of a mixture of pepper and ground olive pits. Misbranding of the article was alleged for the further reason that it was food in package form, and the packages failed to bear a statement on the label thereof of the quantity of their contents in terms of weight, measure, or numerical count.

On December 5, 1918, the defendant company entered a plea of guilty to the information, and the court imposed a fine of \$25.

C. F. MARVIN, *Acting Secretary of Agriculture.*

6838. Adulteration and misbranding of olive oil. U. S. * * * v. John D. Stephanides and Vassilia Touris (S. A. Touris). Plea of guilty. Fine, \$200. (F. & D. No. 9342. I. S. No. 3044-p.)

On December 24, 1918, 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

John D. Stephanides and Vassilia Touris, executors of the estate of Sotirios A. Touris, trading under the name of S. A. Touris, New York, N. Y., alleging shipment by said defendants, in violation of the Food and Drugs Act, on May 29, 1918, from the State of New York into the State of Pennsylvania, of a quantity of an article, labeled in part "Purissimo Olio Di Bitonto-Bari," which was adulterated and misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the following results:

Iodin number-----110

Halphen test for cottonseed oil: Strongly positive.

The product consists of cottonseed oil flavored with olive oil.

Adulteration of the article was alleged in the information for the reason that a substance, to wit, cottonseed oil, 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 pure olive oil, which the article purported to be.

Misbranding of the article was alleged for the reason that the statements, to wit, "Purissimo Olio Di Bitonto-Bari," and "We guarantee this Olive Oil to be absolutely Pure under Chemical Analysis, and of Finest Quality," 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 pure olive oil, that it was a foreign product, to wit, an olive oil produced in the kingdom of Italy, 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 pure olive oil, and that it was a foreign product, to wit, an olive oil produced in the kingdom of Italy, whereas, in truth and in fact, it was not pure olive oil, but was a mixture composed in part of cottonseed oil, and 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 and manufactured in the United States of America; and for the further reason that it was falsely branded as to the country in which it was manufactured and produced, in that it was a product manufactured and produced in whole or in part in the United States of America, and was branded as manufactured in the kingdom of Italy; and for the further reason that it was a mixture composed in large part of cottonseed oil prepared in imitation of olive oil, and was sold under the distinctive name of another article, to wit, olive oil.

On January 8, 1919, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$200.

C. F. MARVIN, *Acting Secretary of Agriculture.*

6839. Adulteration and misbranding of olive oil. U. S. * * * v. Gaetano Garra and Sebastian Trusso (Garra & Trusso). Pleas of guilty. Fine, \$100. (F. & D. No. 9343. I. S. Nos. 1230-p, 1361-1362-p, 1365-p, 1368-p, 1371-1373-p, 2009-p, 2681-p, 3870-p, 4028-p, 4030-p, 4067-p, 6578-6579-p.)

On July 21, 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 Gaetano Garra and Sebastian Trusso, copartners, trading as Garra & Trusso, New York, N. Y., alleging shipment by said defendants, in violation of the Food and Drugs Act, as amended, on May 8, 1917, November 10, 1917, November 12, 1917, January 18, 1918, January 27, 1918, and January 28, 1918, from the State of New York into the State of Connecticut, and on November 16, 1917, January 8, 1918, January 26, 1918, and February 11, 1918, from the State of New York