

On April 2, 1919, the defendant company entered a plea of guilty to the information, and the court imposed a fine of \$20.

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

6949. Misbranding of olive oil. U. S. * * * v. Mariani Brothers, a corporation. Plea of guilty. Fine, \$20. (F. & D. No. 9445. I. S. No. 1369-p.)

On March 10, 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 Mariani Brothers, a corporation, New York, N. Y., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about October 5, 1917, from the State of New York into the State of Connecticut, of a quantity of an article, labeled in part "Mariani Pure Olive Oil Surfine," which was misbranded.

Examination of samples of the article by the Bureau of Chemistry of this department showed the average shortage on 11 cans of the $\frac{1}{2}$ -gallon size to be 1.72 fluid ounces or 2.69 per cent, and on 11 cans of the quart size to be 0.91 fluid ounces or 2.84 per cent.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "Contains half gallon full measure," or "Contains one quart full measure," borne on the cans containing the article, regarding it, was false and misleading in that it represented that the cans contained not less than $\frac{1}{2}$ gallon of the article or 1 quart of the article, as the case might be, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that said cans contained not less than $\frac{1}{2}$ gallon or 1 quart of the article, whereas, in truth and in fact, said cans contained less than $\frac{1}{2}$ gallon or 1 quart of the article. Misbranding of the article was alleged for the further reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On March 26, 1919, the defendant company entered a plea of guilty to the information, and the court imposed a fine of \$20.

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

6950. Misbranding of olive oil. U. S. * * * v. William P. and Ferdinand Bernagozzi (W. P. Bernagozzi & Brother). Pleas of guilty. Fine, \$100. (F. & D. No. 9446. I. S. No. 2015-p.)

On March 5, 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 William P. Bernagozzi and Ferdinand Bernagozzi, copartners, trading as W. P. Bernagozzi & Brother, New York, N. Y., alleging shipment by said defendants, in violation of the Food and Drugs Act, as amended, on February 13, 1918, from the State of New York into the State of Connecticut, of a quantity of an article, labeled in part "Italian Product Olive Oil," and "One Quart," and "One Gallon," which was misbranded.

Examination of a sample of the article by the Bureau of Chemistry of this department showed the average shortage on 11 cans of the gallon size to be 4.3 per cent, and on 13 cans of the quart size to be 3.6 per cent.

Misbranding of the article was alleged in the information in that the statement, to wit, "One Gallon," or "One Quart," borne on the cans containing

the article, regarding it, was false and misleading in that it represented that said cans contained not less than 1 gallon or 1 quart of the article, as the case might be, whereas, in truth and in fact, they contained less than 1 gallon or 1 quart 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 said cans contained not less than 1 gallon or 1 quart of the article, whereas, in truth and in fact, said cans contained less than 1 gallon or 1 quart of the article. Misbranding of the article was alleged for the further reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On June 4, 1919, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$100.

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