

for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the article was pure olive oil, that it was a foreign product, to wit, an olive oil produced in Lucca, in the kingdom of Italy, and that each of said cans contained  $\frac{1}{4}$  gallon net of the article, whereas, in truth and in fact, it was not pure olive oil, but was a mixture composed in part of an oil other than olive oil, and was not a foreign product, to wit, an olive oil produced in Lucca, in the kingdom of Italy, but was a domestic product, to wit, a product produced in the United States of America, and each of said cans did not contain  $\frac{1}{4}$  gallon net of the article, but contained a less amount. Misbranding of the article was alleged 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 and produced in the kingdom of Italy; and for the reason that it was a mixture composed in part of an oil other than olive oil prepared in imitation of olive oil, and was offered for sale and sold under the distinctive name of another article, to wit, olive oil, and for the further reason that the statements borne on the cans purported that the article was a foreign product, when not so. 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 April 23, 1919, the defendant company entered a plea of guilty to the information, and the court imposed a fine of \$150.

E. D. BALL, *Acting Secretary of Agriculture.*

**6966. Misbranding of olive oil. U. S. \* \* \* v. Socrates Moscahlades and Styliamos Moscahlades (Moscahlades Brothers). Pleas of guilty. Fine, \$20. (F. & D. No. 9474. I. S. No. 1370-p.)**

On March 12, 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 Socrates Moscahlades and Styliamos Moscahlades, copartners, New York, N. Y., alleging shipment by said defendants, in violation of the Food and Drugs Act, as amended, on or about December 17, 1917, from the State of New York into the State of Connecticut, of a quantity of an article, labeled in part "Gloria Virgin Pure Olive Oil," which was misbranded.

Examination of a sample of the article by the Bureau of Chemistry of this department showed the average net contents of 13 cans to be 3 quarts, 1 pint, 9.92 fluid ounces, an average shortage of 6.08 fluid ounces or 4.75 per cent.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "1 Gall.," 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 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 of the article, whereas, in truth and in fact, they contained less than 1 gallon 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 defendants entered pleas of guilty to the information, and the court imposed a fine of \$20.

E. D. BALL, *Acting Secretary of Agriculture.*