

7835. Misbranding of olive oil. U. S. * * * v. Socrates Moscahlades and Stylianos Moscahlades (Moscahlades Bros.). Plea of guilty. Fine, \$75. (F. & D. No. 11966. I. S. No. 14965-r.)

On March 15, 1920, 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 Stylianos Moscahlades, trading and doing business under the name of Moscahlades Bros., at New York, N. Y., alleging shipment by the said defendants, in violation of the Food and Drugs Act, as amended, on or about January 29, 1919, from the State of New York into the State of Delaware, of a quantity of an article, labeled in part "Apollo Brand Extra Refined Pure Olive Oil Specially Imported and Packed by Moscahlades Bros. N. Y. Guaranteed By Us Net Contents $\frac{1}{4}$ Gallon," which was misbranded.

Analyses of samples of the article by the Bureau of Chemistry of this department showed that the cans were short volume.

Misbranding of the article was alleged in the information in that a statement regarding the article on the label on the can containing the article, to wit, " $\frac{1}{4}$ Gallon," was false and misleading in that it represented that each can contained $\frac{1}{4}$ gallon of the article, whereas it contained a less amount; said article was further misbranded in that the above labeling was so as to deceive and mislead the purchaser into the belief that each can contained $\frac{1}{4}$ gallon of the article, whereas it contained a less amount. The article was further misbranded in 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 24, 1920, the defendants entered a plea of guilty to the information, and the court imposed a fine of \$75.

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

7836. Adulteration and misbranding of canned tomatoes. U. S. * * * v. 600 Cases and 800 Cases * * * Duke of Maryland Brand Tomatoes. Consent decree of condemnation and forfeiture. Product ordered released under bond. (F. & D. Nos. 11553, 11554. I. S. Nos. 13986-r, 13987-r. S. Nos. E-1876, E-1887.)

On December 16, 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 libels for the seizure and condemnation of 600 cases and 800 cases, each containing 24 cans, labeled "Duke of Maryland Brand Tomatoes," remaining unsold in the original unbroken packages at New York, N. Y., alleging that the article had been shipped on or about October 7, 1919, and October 24, 1919, by J. B. Andrews & Co., Hurlock, Md., and transported from the State of Maryland into the State of New York, and charging adulteration and misbranding under the Food and Drugs Act. The article was labeled in part, "Duke of Maryland Brand Tomatoes * * * Packed by J. B. Andrews & Co. Hurlock, Md."

Adulteration of the article was alleged in the libels for the reason that tomato pulp had been mixed and packed with, and substituted wholly or in part for, canned tomatoes, which the product purported to be.

Misbranding of the article was alleged for the reason that the package and its label bore statements, designs, and devices regarding the article and the ingredients and substances contained therein which were false and misleading and deceived and misled the purchaser, and for the further reason that the article was an imitation of and was offered for sale and sold under the distinctive name of, another article, to wit, tomatoes.