

United States Department of Agriculture

SERVICE AND REGULATORY ANNOUNCEMENTS

BUREAU OF CHEMISTRY

SUPPLEMENT

N. J. 13401-13450

[Approved by the Acting Secretary of Agriculture, Washington, D. C., August 10, 1925]

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the food and drugs act]

13401. Adulteration and misbranding of olive oil. U. S. v. Benedetto A. Ventoura and Cairli Begani (Ventoura & Begani). Pleas of guilty. Fine, \$100. (F. & D. No. 15855. I. S. No. 9245-t.)

On June 19, 1922, 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 Benedetto A. Ventoura and Cairli Begani, copartners, trading as Ventoura & Begani, New York, N. Y., alleging shipment by said defendants, in violation of the food and drugs act as amended, on October 2, 1920, from the State of New York into the State of Florida, of a quantity of olive oil which was adulterated and misbranded. The article was labeled in part: "Olio La Viva Italia Brand * * * Superior in Quality Purity Economy & Flavor To Olive Oil. Fine Edible Salad Oil Blended With Pure Olive Oil A Compound—Packed In New York Net Contents 1 Gallon Ventoura & Begani New York U. S. A."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted of cottonseed oil. Examination of ten cans by said bureau showed an average volume of 0.939 gallon.

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 and reduce and injuriously affect its quality and had been substituted in part for olive oil, which the said article purported to be.

Misbranding was alleged for the reason that the statements, to wit, "Olio La Viva Italia," "Olive Oil," and "Net Contents 1 Gallon," together with the design and device of an Italian scene, borne on the cans containing the article, were false and misleading, in that they represented that the said article was olive oil, that it was a foreign product, to wit, an olive oil produced in the Kingdom of Italy, and that each of said cans contained 1 gallon net 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 it was olive oil, that it was a foreign product, and that each of said cans contained 1 gallon net of the said article, whereas it was not olive oil but was a mixture composed in large part of cottonseed oil, it was not a foreign product but was a domestic product, to wit, an article produced in the United States of America, and each of said cans did not contain 1 gallon net of the article but did contain a less amount. Misbranding was alleged for the further reason that the statements, design, and device borne on the said cans purported the article to be a foreign product when not so. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On July 26, 1922, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$100.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13402. Adulteration of walnut meats. U. S. v. Max Part. Plea of guilty. Fine, \$50. (F. & D. No. 17794. I. S. No. 8161-v.)

On February 26, 1924, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Max Part, Los Angeles, Calif., alleging shipment by said defendant, in violation of the food and drugs act, on or about November 29, 1922, from the State of California into the State of Colorado, of a quantity of walnut meats which were adulterated. The article was labeled in part: "Dark Amber Meats 50 Net."

Examination by the Bureau of Chemistry of this department of 2 samples of the product showed that the said samples contained 19.25 per cent and 23.62 per cent, respectively, of inedible nuts, consisting of wormy, moldy, rancid, or decomposed nuts.

Adulteration of the article was alleged in the information for the reason that it consisted in part of a filthy and decomposed vegetable substance.

At the March, 1925, term of court the defendant entered a plea of guilty to the information, and the court imposed a fine of \$50.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13403. Adulteration of red raspberries. U. S. v. 90 Barrels, et al., of Raspberries. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 17848. I. S. Nos. 649-v, 15754-v. S. No. E-4492.)

On October 8, 1923, 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 a libel praying the seizure and condemnation of 161 barrels of raspberries, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Puyallup & Sumner Fruit Growers' Assoc., from Seattle, Wash., in part on or about July 23, 1923, and in part on or about July 27, 1923, and transported from the State of Washington into the State of New York, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of partially decomposed raspberries.

On May 11, 1925, the Puyallup & Sumner Fruit Growers' Assoc., Puyallup, Wash., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$3,000, in conformity with section 10 of the act, conditioned in part that the bad portion be separated from the good portion under the supervision of this department, and the bad portion destroyed or denatured.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13404. Adulteration and misbranding of canned peas. U. S. v. Gibbs & Co. (Inc.). Plea of guilty. Fine, \$15 and costs. (F. & D. No. 18089. I. S. No. 1910-v.)

At the March, 1925, term of the United States District Court within and for the District of Maryland, the United States attorney for said district, acting upon a report by the Secretary of Agriculture, filed in the district court aforesaid an information against Gibbs & Co. (Inc.), a corporation, Baltimore, Md., alleging shipment by said company, in violation of the food and drugs act, on or about June 29, 1923, from the State of Maryland into the State of Massachusetts, of a quantity of canned peas which were adulterated and misbranded. The article was labeled in part: "Gold Seal Extra Small Sweet Sifted Peas * * * The Booth Packing Co. Branch Of Gibbs & Company, Inc., Distributors."

Examination of the article by the Bureau of Chemistry of this department showed that it contained an excessive amount of brine and that the peas were of the early, smooth-skin variety and not the sweet variety as labeled.

Adulteration of the article was alleged in the information for the reason that a substance, to wit, brine, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and strength, and had been substituted in part for the said article, and for the further reason that early peas had been substituted for sweet peas, which the article purported to be.