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On October 1, 1923, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$25.

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

11967. Misbranding of peaches. U. S. v. Albert J. Evans and Samuel B. Hungerford (Hungerford & Evans). Pleas of guilty. Fine, \$25. (F. & D. No. 15578. I. S. Nos. 120-t, 122-t, 123-t.)

On February 9, 1922, the United States attorney for the Southern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Albert J. Evans and Samuel B. Hungerford, copartners, trading as Hungerford & Evans, Gray, Ga., alleging shipment by said defendants, in violation of the Food and Drugs Act, as amended, in various consignments, namely, on or about May 21 and 26, 1921, respectively, from the State of Georgia into the State of Illinois, of quantities of peaches in crates which were misbranded.

Misbranding of the article was alleged in the information for the 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 October 1, 1923, the defendants entered pleas of guilty to the information, and the court imposed fines in the aggregate sum of \$25.

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

11968. Misbranding of peaches. U. S. v. Standard Growers Exchange, a Corporation. Pleas of guilty. Fine, \$50. (F. & D. Nos. 13181, 16224. I. S. Nos. 7591-r, 653-t, 667-t.)

On June 27, 1922, the United States attorney for the Southern District of Georgia, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district informations against the Standard Growers Exchange, a corporation, trading at Macon, Ga., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, in various consignments, namely, on or about July 11, 1919, and May 18 and June 28, 1921, respectively, from the State of Georgia into the State of Illinois, of quantities of peaches in baskets which were misbranded.

Misbranding of the article was alleged in the informations for the 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 October 10, 1923, pleas of guilty to the informations were entered on behalf of the defendant company, and the court imposed fines in the aggregate sum of \$50.

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

11969. Adulteration and misbranding of olive oil. U. S. v. Samuel Hochheisser and Louis Weisberg (Bay Bee Oil Co.). Pleas of guilty. Fine, \$100. (F. & D. No. 17526. I. S. Nos. 15555-t, 15610-t, 15611-t, 15612-t, 15613-t, 15614-t, 15615-t, 15619-t, 15620-t.)

At the October, 1923, term of the United States District Court within and for the Southern District of New York, 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 Samuel Hochheisser and Louis Weisberg, copartners, trading as the Bay Bee Oil Co., New York, N. Y., alleging shipment by said defendants, in violation of the Food and Drugs Act, as amended, in various consignments, namely, on or about October 5, 1921, January 7, January 16, February 6, and March 18, 1922, respectively, from the State of New York into the State of New Jersey, and on or about January 26, 1922, from the State of New York into the State of Connecticut, of quantities of olive oil which was misbranded and quantities of alleged olive oil which was adulterated and misbranded. The olive oil was labeled in part: "Extra Sublime Pure Imported Olive Oil Blue Star Brand * * * One Gallon" (or "Half Gallon" or "Quarter Gallon") "* * * Bay Bee Oil Company Importers & Packers Lucca, Italy. New York U. S. A." Some of the alleged gallon cans were further labeled, "7½ Lbs. Net Or 0.98 Of One Gallon," and some of the alleged half-gallon cans were further labeled, "3¾ Lbs. Net Or 0.98 Of Half Gallon." The Cob brand oil was labeled in part: "Olio Sopraffino Per Insalata 'Cob'

Brand * * * (picture of olive branches) "Extra Fine Corn Oil Blended With Highest Grade Pure Olive Oil * * * Net Contents One Gallon" (or "Net Contents Half Gallon" or "Net Contents One Quarter Gallon") "* * * Packed By B B O C New York."

Analyses of samples of the Cob brand oil by the Bureau of Chemistry of this department showed that it consisted of corn oil mixed with a small quantity of cottonseed oil. Examination of both brands of the article by said bureau showed that the cans contained less than the quantities declared on the labels thereof.

Adulteration was alleged in the information with respect to the Cob brand oil for the reason that oil or oils other than olive oil had been substituted in whole or in part for olive oil, which the article purported to be.

Misbranding was alleged with respect to the said Cob brand oil for the reason that the statements in prominent type, to wit "Olio Sopraffino * * * Pure Olive Oil," together with the design and device of olive branches, borne on the cans containing the said article, were false and misleading in that they represented that the article was olive oil, 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, whereas it was not olive oil but was a mixture composed in whole or in part of oil or oils other than olive oil. Misbranding was alleged for the further reason that the statement, to wit, "Blended With Highest Grade * * * Olive Oil," borne on the cans containing the said Cob brand oil, was false and misleading in that it represented that the article was blended with the highest grade olive oil, 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 blended with highest grade olive oil, whereas it was not blended with highest grade olive oil in that it was a product which contained no olive oil. Misbranding was alleged for the further reason that the article was a product composed in whole or in part of oil or oils other than olive oil and contained no flavor of olive oil, prepared in imitation of and offered for sale and sold under the distinctive name of another article, to wit, olive oil.

Misbranding was alleged with respect to both brands of the article for the reason that the statements, "One Gallon," "Net Contents One Gallon," "Net Contents Half Gallon," "Net Contents One Quarter Gallon," and "Quarter Gallon," borne on the respective-sized cans containing the said article, and the further statement, to wit, "3 $\frac{1}{4}$ Lbs. Net Or 0.98 Of Half Gallon," borne on certain of the alleged half-gallon cans, and the further statement, to wit, "7 $\frac{1}{2}$ Lbs. Net Or 0.98 Of One Gallon," borne on certain of the alleged gallon cans, were false and misleading in that the said statements represented that the cans contained one gallon, one-half gallon, or one-quarter gallon of the article, as the case might be, and that certain of the alleged half-gallon cans contained 3 $\frac{1}{4}$ pounds, or 0.98 of a half gallon, and that certain of the alleged gallon cans contained 7 $\frac{1}{2}$ pounds, or 0.98 of one gallon, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the said cans contained the amounts declared on the respective labels, whereas, in truth and in fact, they did not but did contain less amounts. 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 October 22, 1923, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$100.

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

11970. Adulteration and misbranding of canned oysters. U. S. v. 30 Cases of Oysters. Consent decree providing for release of product under bond. (F. & D. No. 17743. I. S. No. 6916-v. S. No. C-4099.)

On September 12, 1923, the United States attorney for the Eastern District of Texas, 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 30 cases of oysters, remaining in the original unbroken packages at Sulphur Springs, Tex., alleging that the article had been shipped by the Sea Food Co., from Biloxi, Miss., April 7, 1923, and transported from the State of Mississippi into the State of Texas, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Can) "Winner Brand * * * Oysters * * * Net Contents 4 Ounces."