28083. Adulteration and misbranding of olive oil. U. S. v. Paul Monacelli (Bettola Grocery). Plea of guilty. Fine, $175, $150 of which was suspended and defendant placed on probation for 3 months. (F. & D. No. 38602. Sample Nos. 66601–B, 66602–B.)

These two lots of alleged olive oil consisted in large part of cottonseed oil and rapeseed oil, respectively.

On June 11, 1937, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Paul Monacelli, trading as Bettola Grocery, at West New York, N. J., alleging that on or about January 2, 1936, the said defendant had shipped from the State of New Jersey into the State of Rhode Island quantities of alleged olive oil which was adulterated and misbranded in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that artificially colored cottonseed oil in one instance and rapeseed oil in the other had been mixed and packed with it so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted in part for olive oil, which it purported to be.

Misbranding was alleged in that the statements, "Olive Oil" on the label of one lot, and "Italian Produce Sublime Olive Oil Imported * * * Lucca * * * The Olive Oil contained in this can is pressed from fresh picked high grown fruit, packed by the grower under the best sanitary condition, and guaranteed to be absolutely pure under any chemical analysis" on the label of the other, were false and misleading and were borne on the said labels so as to deceive and mislead the purchaser.

On November 19, 1937, a plea of guilty was entered by the defendant and the court imposed a fine of $175, $150 of which was suspended and defendant was placed on probation for 3 months.

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28084. Adulteration and misbranding of vinegar. U. S. v. Canelea Trobridge Worthington (Ridgeville Cider & Vinegar Co.). Plea of guilty. Fine, $20 and costs. (F. & D. No. 38604. Sample Nos. 51547–B, 51557–B, 51558–B, 51559–B.)

One of these lots of vinegar was short in volume, two were deficient in acid; and the other two lots were both short in volume and deficient in acid.

On June 22, 1937, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Canelea Trobridge Worthington, trading as Ridgeville Cider & Vinegar Co., Baltimore, Md., alleging that on or about May 5, 11, 13, 21, 26, and 27, 1936, the said defendant had shipped from the State of Maryland into the State of Virginia quantities of vinegar which was adulterated and misbranded in violation of the Food and Drugs Act. The article was labeled in part: "Pure Apple Cider Vinegar Log Cabin * * * Manufactured and Guaranteed by Interstate Fruit Product Co. * * * Baltimore, Md."

All lots with one exception were alleged to be adulterated in that a product deficient in acid and containing excessive water had been substituted in whole and in part for pure apple cider vinegar from apples only, which the article purported to be.

Misbranding was alleged in that the statements in the labeling, "Pure Apple Cider Vinegar Made From Apples Only," with respect to certain lots, and the statements "Contents 12 Fl. Oz.," "Full Strength," "Contents 1 Pt. 8 Oz., Full Weight Guaranteed," "Contents 1 Pt. 8 Oz.," and "Full Strength [or "Full Weight" or "W'g't"]" with respect to certain lots were false and misleading, and in that said statements were borne on the labels so as to deceive and mislead the purchaser since the article, with the exception of one lot, was not pure apple cider vinegar made from apples only but was a product deficient in acid containing excessive water and in the case of certain lots the bottles contained less than declared.

Further misbranding was alleged with respect to certain lots in that the article was food in package form and the quantity of contents was not plainly and conspicuously marked on the outside of the packages.

On November 19, 1937, a plea of guilty was entered by the defendant and the court imposed a fine of $20 and costs.

HARRY L. BROWN, *Acting Secretary of Agriculture.*