

and Paul B. Booras, alleging shipment by said defendants in violation of the Food and Drugs Act on or about September 16 and December 19, 1935, and January 25, 1936, from the State of Massachusetts into the State of New Hampshire of quantities of olive oil that was adulterated and misbranded. The article was labeled in part: "Cosmos Brand * * * Pure Italian Olive Oil * * * Cosmos Food Inc. Importers."

It was alleged to be adulterated in that tea-seed oil had been substituted in part for olive oil, which it purported to be; and in that tea-seed oil had been mixed and packed with it so as to reduce or lower its quality or strength.

The article was alleged to be misbranded in that it was offered for sale under the distinctive name of another article, namely, olive oil; in that the statements and designs borne on the cans, "Imported Extra Fine Virgin * * * Pure Italian Olive Oil [designs of medals inscribed "Vittorio Emanuele III Re D'Italia" and "Exposition Agricoltura Roma Medaglia D'Oro"] Gold Medal Award * * * Extra Fine Pure Olive Oil This Olive Oil is guaranteed absolutely pure and of the finest quality * * * Extra Fine Olio D'oliva Sopraffino Quest'olio essendo assolutamente puro non sole e raccomandato come medicinale ma anche per tutti quegli usi in cui e indicato L'olio D'oliva," were false and misleading, and in that the said statements and designs were borne on the cans so as to deceive and mislead the purchaser, since they represented that the article was composed wholly of olive oil and that it was olive oil produced in Italy, whereas it was not composed wholly of olive oil but was a mixture of tea-seed oil and olive oil, and it was not olive oil produced in Italy but was a mixture composed in part of tea-seed oil, not produced in Italy.

On September 28, 1937, defendant Paul B. Booras entered a plea of guilty and the court imposed a fine of \$100. Payment was suspended, and the defendant was placed on probation for a period of 1 year, said period to run concurrently with the probation imposed for conviction of conspiracy, reported in notice of judgment No. 27649. On December 14, 1937, the Cosmos Food Stores, Inc., entered a plea of guilty and a fine of \$1 was imposed.

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

27832. Adulteration and misbranding of olive oil. U. S. v. Vincent Buonocore, Inc., Vincent Buonocore, and Michael Buonocore. Pleas of nolo contendere. Fines, \$270. (F. & D. No. 37987. Sample Nos. 61174-B, 61238-B, 61239-B, 61561-B, 61562-B, 61565-B, 61566-B, 61760-B, 70414-B.)

This product was represented to be pure imported olive oil, whereas it consisted in part of tea-seed oil.

On July 30, 1937, 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 an information against Vincent Buonocore, Inc., New York, N. Y., and Vincent Buonocore, and Michael Buonocore, officers of the corporation, alleging shipment by said defendants on or about July 15 and November 22, 1935, and February 26 and March 4, 1936, from the State of New York into the State of Connecticut; on or about September 15, October 19, November 14 and 27, 1935, and February 26, 1936, from the State of New York into the State of New Jersey; and on or about November 30, 1935, from the State of New York into the State of Pennsylvania of quantities of olive oil which was adulterated and misbranded in violation of the Food and Drugs Act. The article was variously labeled in part: (Cans) "Tre Ancore Brand * * * B Inc.," "Figlia D'Italia Brand * * * Packed for Cilento"; "L'Italiana Brand * * * Packed for Sorrentino & Co., Jersey City, N. J.," "Messina Brand * * * Packed For Messina Imp. Co. Hoboken, N. J.," "Michele Spinelli Brand * * * Michele Spinelli Hartford, Conn.," "Roma Brand * * * B V Inc.," "Aurora Brand * * * Packed for Aurora Importing Co. Waterbury, Conn."

The article was alleged to be adulterated in that tea-seed oil had been mixed and packed with it so as to reduce or lower its quality and strength and in that tea-seed oil had been substituted in part for olive oil, which it purported to be.

The article, with the exception of the Michele Spinelli brand, was alleged to be misbranded in that the following statements and designs appearing on the various can labels, (Tre Encore brand) "Olio d'Oliva Italiano Puro," "Se Ne Garentisce L'Assoluta Purita Sotto Analsi," "Pure Imported Olive Oil," "Pure Italian Olive Oil," and "The absolute purity of the Olive Oil contained in this Tin is Guaranteed by the Packers Under Any Chemical Analysis [designs

of Italian medals and olive branches bearing olives]"; (Figlia D'Italia brand) "Olio d'Oliva," Puro Prodotto Importato Figlia d'Italia Qualita Superfina Quest' Olio d'Oliva E Garentito Assolutamente Puro Pure Olive Oil Imported Product Superfine Quality This Olive Oil is Guaranteed to be Absolutely Pure Al Merito 1893 [designs of Italian medals and olive branches bearing olives]"; (L'Italiana brand) "Olio D'Oliva Puro Prodotto Importato L'Italiana Quest' Olio D'Oliva E Garantito Assolutamente Puro Pure Olive Oil Imported Product This Olive Oil is guaranteed to be absolutely pure [design of medals and olive branches bearing olives]"; (Messina brand) "Olio D'Oliva Prodotto Italiano Quest Olio D'Oliva E Garentito Assolutamente Puro Imported Olive Oil This olive oil is guaranteed to be absolutely pure Italian Product [design of olive branches bearing olives]"; (Roma brand) "Puro Olio D'Oliva Prodotto Importate Questo Olio D'Oliva E Garantito Assolutamente Puro Sotto Analisi Chimica Roma Pure Olive Oil This Olive Oil is Guaranteed to be absolutely pure under chemical analysis [design of Roman palace]"; and (Aurora brand) "Olio D'Oliva Prodotto Italiana Quest Olio D'Oliva E Garantito Assolutamente Puro Imported Olive Oil This olive oil is guaranteed to be absolutely pure Italian Product [design of olive branches bearing olives]," were false and misleading and in that the said statements and designs were borne on the cans so as to deceive and mislead the purchasers since they represented that the article was pure imported Italian olive oil; whereas it was a mixture composed in part of tea-seed oil; and in that it was offered for sale and sold under the distinctive name of another article, olive oil. The Michele Spinelli brand was alleged to be misbranded in that the statements, "Puro Olio D'Oliva Questo olio d' oliva e assolutamente puro * * * Garentito sotto Qualunque Analisi Chimica," "Imported Olive Oil," "Pure Olive Oil," and "This olive oil is absolutely pure * * * guaranteed under chemical analysis," borne on the can, were false and misleading since they represented that the article was imported olive oil; whereas it was a mixture composed in part of tea-seed oil.

On September 29, 1937, pleas of nolo contendere were entered and the court imposed a fine of \$5 on each of the 18 counts of the information against each of the defendants, i. e., a total of \$270.

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

27833. Adulteration and misbranding of olive oil. U. S. v. Cosimo Daniele.
Plea of guilty. Fine, \$250. (F. & D. No. 38012. Sample Nos. 61232-B, 61235-B, 61236-B, 61237-B, 61759-B, 61762-B, 61766-B, 61767-B, 62101-B, 62105-B.)

This product was represented to be pure olive oil; whereas it consisted in part of tea-seed oil.

On March 2, 1937, 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 an information against Cosimo Daniele, New York, N. Y., alleging shipment by said defendant in violation of the Food and Drugs Act between the dates of September 7, 1935, and March 28, 1936, from the State of New York into the State of New Jersey of various lots of olive oil which was adulterated and misbranded. It was labeled in part variously: "Lido Brand [or "Three Counts Brand" or "Conte Verde Brand"] * * * C. Daniele New York, N. Y."

The article was alleged to be adulterated in that tea-seed oil had been mixed and packed therewith so as to reduce or lower its quality or strength and in that tea-seed oil had been substituted wholly or in part for olive oil, which it purported to be.

It was alleged to be misbranded in that the following statements and designs borne on the can labels were false and misleading and were borne on the cans so as to deceive and mislead purchasers since they represented that the Lido brand was composed wholly of imported olive oil and that the other brands were composed wholly of olive oil packed in Italy; whereas they were not as represented but were composed in part of tea-seed oil, and the Three Counts brand and the Conte Verde brand had been packed in the United States: (Lido brand) "Imported Product The Best you can buy Lido * * * Superfine First Quality Extra Olive Oil Insuperable Lido * * * This oil is guaranteed pure under chemical analysis, and is recommended for medicinal as well as for table use. * * * Prodotto Importato L'olio migliore che voi potete comperare * * * Lido Sopraffino prima qualite Olio d'Oliva Extra * * * Lido quest 'olio e garantito puro all'analisi chimica. Per la