

4784. Adulteration and misbranding of olive oil. U. S. * * * v. 2 Cases of Olive Oil.
Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 7440.
I. S. No. 2565-1. S. No. E-611.)

On May 16, 1916, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 2 cases of olive oil, consigned by A. Carnese, New York, N. Y., remaining unsold in the original unbroken packages at Philadelphia, Pa., alleging that the article had been shipped, on or about February 11, 1916, and transported from the State of New York into the State of Pennsylvania, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled: (On can) "Speciality Lucca Olive Oil Extra 1 Callisto Francesconi Lucca Italy Trade Mark Registered in U. S. 1 Quart Olive Oil Le latte non portanti la presente firma si dichiarano falsificate" (facsimile signature) "Callisto Francesconi Cans not bearing the present signature are declared adulterated 1 Quart Olive Oil."

Adulteration of the article was alleged in the libel for the reason that cottonseed oil had been mixed and packed therewith so as to reduce and lower its quality and strength, and for the further reason that cottonseed oil had been substituted in part for olive oil.

Misbranding was alleged for the reason that the retail packages contained labels which bore the statements, designs, and devices, to wit: "Speciality Lucca Olive Oil Extra 1 Callisto Francesconi Lucca Italy Trade Mark Registered in U. S. 1 Quart Olive Oil Le latte non portanti la presente firma si dichiarano falsificate," regarding the article and the ingredients and substances contained therein, which were false and misleading in that they indicated to the purchaser that the packages contained olive oil which was manufactured in Italy, when in fact they did not.

On June 30, 1916, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

CARL VROOMAN, *Acting Secretary of Agriculture.*