

4964. **Misbranding of oil. U. S. * * * v. 3 Cases * * * of Oil. Consent decree of condemnation and forfeiture. Product ordered released on bond.** (F. & D. No. 7357. I. S. No. 505-1. S. No. E-595.)

On April 26, 1916, the United States attorney for the District of New Jersey, 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 3 cases, each containing 12 one-gallon cans, of oil, remaining unsold in the original unbroken packages at Paterson, N. J., alleging that the article had been shipped, on or about March 25, 1916, by Anna Heller, trading under the name of Venice Importing Co., New York, N. Y., and transported from the State of New York into the State of New Jersey, and charging misbranding in violation of the Food and Drugs Act. The article was labeled, in part: "A compound. Tripolitania brand. Net contents—Full gallon."

Misbranding of the article was alleged in the libel for the reason that it was labeled and branded so as to deceive and mislead the purchaser as to the quantity contained in the cans, they being labeled, "Net contents—Full gallon," that is to say, that each of the cans contained 1 full gallon, whereas, in fact and in truth, each of the cans contained less than 1 gallon.

Misbranding was alleged for the further reason that the oil was contained in cans in package form, and the labels thereof purported to state the contents in terms of measure, but the quantity or measure of the contents of each package, or can, was not plainly and correctly marked or stated on the outside of the packages or cans in terms of weight and measures, nor in any other manner.

On June 6, 1916, the said Anna Heller, claimant, having consented to a decree, judgment of condemnation and forfeiture was entered, and, it appearing that the claimant had filed a bond in the sum of \$300 in conformity with section 10 of the act, and paid the costs of the proceedings, it was ordered by the court that the product should be released and delivered to said claimant.

CARL VROOMAN, *Acting Secretary of Agriculture.*