

**6094. Adulteration and misbranding of olive oil. U. S. \* \* \* v. 84 Cans of a Product Purporting to be Olive Oil. Consent decree of condemnation, forfeiture, and sale.** (F. & D. No. 8803. I. S. Nos. 1352-p, 1353-p. S. No. E-977.)

On February 19, 1918, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel of information praying the seizure and condemnation of 84 cans of a product purporting to be olive oil, consigned on or about November 27, 1917, remaining unsold in the original unbroken packages at Boston, Mass., alleging that the article had been shipped by A. J. Musco, New York, N. Y., and transported from the State of New York into the State of Massachusetts, and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. Forty-eight of the cans were labeled, "Finest Quality Olive Oil Extra Pure of Termini Imerese Italy Sicilia Italia 1 Gallon Net Guaranteed Absolutely Pure." The remaining cans were labeled, "Olio Pure D'Oliva Lucca Italy Net contents Full Gallon Olio Pure D'Oliva Garantito Produzione Propria."

Adulteration of the article was alleged in the libel of information for the reason that it consisted wholly or in part of cottonseed oil, which had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength.

Misbranding of the article was alleged for the reason that the packages and the labels thereof bore a certain statement which was false and misleading; that is to say, the words, "Olive Oil," in that said product was not olive oil; and for the further reason that it was an imitation of, and was offered for sale under the distinctive name of, another article, to wit, olive oil, whereas, in truth and in fact, it was not; and for the further reason that by manner of display it led the purchaser to believe that it was a foreign product, whereas, in truth and in fact, it was a product of domestic manufacture; and for the further reason, in substance, 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 in terms of weight, measure, or numerical count.

On April 29, 1918, S. T. Lakson, Boston, Mass., claimant, having appeared for the property and filed a satisfactory bond, in conformity with section 10 of the act, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be delivered to said claimant upon payment of the costs of the proceedings.

CARL VROOMAN, *Acting Secretary of Agriculture.*