

On October 21, 1918, 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.

J. R. RIGGS, *Acting Secretary of Agriculture.*

**6797. Adulteration and misbranding of olive oil. U. S. \* \* \* v. 44 Gallons of Alleged Olive Oil. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 9275. I. S. Nos. 13653-13654-r. S. No. E-1099.)**

On August 30, 1918, 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 44 gallons of alleged olive oil at Newark, N. J., alleging that the article had been shipped on or about July 6, 1918, by N. P. Economou and Theodos, New York, N. Y., and transported from the State of New York into the State of New Jersey, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled: "Full Gallon Frate Del Bosco Lucca Brand Toscana-Italia Extra Fine Olive Oil Guaranteed Absolutely Pure" and "Olio Puro D'Oliva Lucca Tipo Italy Net Contents Full Gallon Olio Puro D'Oliva Garantito Produzione Propria."

Adulteration of the article was alleged in the libel for the reason that cottonseed oil had been mixed and packed therewith, thereby reducing and lowering the strength and injuriously affecting the quality of the article purporting to be olive oil, and for the further reason that cottonseed oil had been substituted in whole or in part for olive oil.

Misbranding of the article was alleged for the reason that the statement, to wit, "Olive Oil," borne on the label attached to the containers, was false and misleading in that it represented that the article contained therein was pure olive oil, whereas, in truth and in fact, it was not pure olive oil, as said statement would lead the purchaser to believe, but was a product consisting wholly or in part of cottonseed 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. Misbranding was alleged for the further reason that the statements, "Frate Del Bosco Toscana-Italia" and "Olio Puro D'Oliva Lucca Tipo Italy Garantito Produzione Propria," borne on the labels attached to the containers, were false and misleading in that they represented that the article was a foreign product, to wit, pure olive oil made in Italy, whereas, in truth and in fact, it was not made in Italy and was not a foreign product, but was a product consisting wholly or in part of cottonseed oil manufactured and packed in the United States. Misbranding was alleged for the further reason that the statements, "Full Gallon" and "Net Contents Full Gallon," borne on the labels attached to the containers, were false and misleading in that they represented that the net contents of each container was one full gallon of olive oil, whereas, in truth and in fact, the containers did not contain one full gallon of olive oil. Misbranding was alleged for the further reason that the article 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 December 5, 1918, Antonio Aquilino, Newark, N. J., claimant, having admitted the truth of the allegations of the libel and consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be released to said claimant upon the payment

of the costs of the proceedings and the execution of a bond in the sum of \$300, in conformity with section 10 of the act, conditioned in part that the product should be relabeled under the supervision of a representative of this department.

J. R. RIGGS, *Acting Secretary of Agriculture.*

**6798. Adulteration and misbranding of olive oil. U. S. \* \* \* v. 1000 Cans of Alleged Olive Oil. Consent decree of condemnation and forfeiture. Product ordered released on bond.** (F. & D. No. 9278. I. S. No. 2433-r. S. No. W-241.)

On August 29, 1918, the United States attorney for the Southern District of California, 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 1,000 cans of alleged olive oil, remaining unsold in the original unbroken packages at Los Angeles, Cal., alleging that the article had been shipped on or about June 21, 1918, by John T. Delany & Co., New York, N. Y., and transported from the State of New York into the State of California, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was billed and invoiced as olive oil.

Adulteration of the article was alleged in the libel for the reason that cottonseed [oil] had been mixed and packed with, and substituted wholly and in part for, olive oil, in each of the cans of alleged olive oil.

Misbranding of the article was alleged for the reason that it was an imitation of, and was offered for sale under the distinctive name of, another article, to wit, olive oil, the same being labeled "5 Gallons Net." when, in truth and in fact, it consisted largely of cottonseed oil. Misbranding of the article was alleged for the further reason 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, and numerical count.

On October 17, 1918, the said John T. Delany & Co., claimant, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be delivered to said claimant for relabeling, upon the payment of the costs of the proceedings and the execution of a bond in the sum of \$8,000, in conformity with section 10 of the act.

J. R. RIGGS, *Acting Secretary of Agriculture.*

**6799. Adulteration and misbranding of evaporated milk. U. S. \* \* \* v. 250 Cases of So-called Evaporated Milk. Consent decree of condemnation and forfeiture. Product ordered released on bond.** (F. & D. No. 9279. I. S. Nos. 6125-6126-r. S. No. C-964.)

On August 29, 1918, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for seizure and condemnation of 250 cases of so-called evaporated milk, remaining unsold in the original unbroken packages at New Orleans, La., alleging that the article had been shipped on May 18, 1918, and May 28, 1918, and transported from the State of Illinois into the State of Louisiana, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part, "Our Best Brand Evaporated Milk. Aviston Condensed Milk Co. Aviston, Illinois."

Adulteration of the article was alleged in the libel for the reason that a substance insufficiently evaporated had been mixed and packed therewith, so as to reduce and lower and injuriously affect its quality and strength, and had been substituted wholly or in part for evaporated milk.