

Misbranding of the article was alleged in substance for the reason that the labels on the cans bore statements which were false and misleading, that is to say, the statement, to wit, "Pure Extra Fine Olive Oil Madrid Brand, Imported from Spain," was intended to be of such a character as to induce the purchaser to believe that it was olive oil, when, in truth and in fact, it was not; and for the further reason that it purported to be a foreign product, when, in truth and in fact, it was a product of domestic manufacture, packed in the United States; 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; and for the further reason that the statements borne on the labels of the cans, to wit, "One Full Gallon" and "Half Full Gallon," respectively, represented that the contents of the cans were, respectively, one gallon and one-half gallon, whereas there was a shortage of volume in each of said cans. 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, or numerical count.

On March 28, 1919, 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 sold by the United States marshal at private sale.

E. D. BALL,

*Acting Secretary of Agriculture.*

**7074. Adulteration and misbranding of olive oil. U. S. \* \* \* v. 3 Cases of Olive Oil (so called). Default decree of condemnation, forfeiture, and sale.** (F. & D. No. 9643. I. S. Nos. 12578-r, 12714-r. S. No. E-1226.)

On January 29, 1919, the United States attorney for the District of Connecticut, 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 of olive oil, so called, remaining unsold in the original unbroken packages at Hartford, Conn., alleging that the article had been shipped on or about November 18, 1918, by Adolph Panarelli, New York, N. Y., and transported from the State of New York into the State of Connecticut, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Half gallon cans) "Olio Puro D'Oliva (picture of olive tree and natives gathering olives) Lucca Tipo, Italy, Olio Puro D'Oliva Garantito Produzione Propria," "Full Half Gallon" and in inconspicuous type "Cotton Salad Oil;" (gallon cans) "Olio Puro No D'Oliva," "Full Gallon" and in inconspicuous type "Cottonseed Oil."

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

Misbranding of the article was alleged for the reason that the labels on the cans bore statements which were false and misleading; that is to say, the statements, to wit, "Olio Puro D'Oliva" and "Olio Puro No D'Oliva," were intended to be of such a character as to induce the purchaser to believe that it was olive oil, when, in truth and in fact, it was not, and the words "Cottonseed Oil," and "Cotton Salad Oil," in inconspicuous type, did not correct the false impression created by the remainder of said labels, and for the further reason that it purported to be a foreign product, when, in truth and in fact, it was a product

of domestic manufacture packed in the United States, and for the further reason that it was an imitation of, and offered for sale under the distinctive name of, another article, to wit, olive oil.

On March 28, 1919, 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 sold by the United States marshal at private sale.

E. D. BALL,

*Acting Secretary of Agriculture.*

**7075. Adulteration and misbranding of olive oil. U. S. \* \* \* v. 4 Cases of Olive Oil (so called). Consent decree of condemnation, forfeiture, and destruction. (F. & D. No. 9644. I. S. No. 12715-r. S. No. E-1227.)**

On January 30, 1919, the United States attorney for the District of Connecticut, 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 4 cases of olive oil, so called, remaining unsold in the original unbroken packages at Hartford, Conn., alleging that the article had been shipped on or about December 2, 1918, by Adolph Panarelli, New York, N. Y., and transported from the State of New York into the State of Connecticut, charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. Said article was labeled in part: "Qualita Superiore Olio Puro Tripolifania Garantito Sotto Qualsiasi Analisi Chimica (picture of map of Italy and figure of woman holding Italian flag)" and " $\frac{1}{2}$  Gallon Net" and " $\frac{1}{4}$  Gallon Net," as the case might be.

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, lower, and injuriously affect its quality and strength, and had been substituted wholly or in part for olive oil, which the article purported to be.

Misbranding of the article was alleged for the reason that the labels on the cans bore certain statements and designs regarding it which were false and misleading, that is to say, the statements on the labels, to wit, "Qualita Superiore Olio Puro," together with the pictorial design, which statements, words, and designs were intended to be of such a character as to induce the purchaser to believe that the product was olive oil, when, in truth and in fact, it was not; and for the further reason that it purported to be a foreign product, when, in truth and in fact, it was a product of domestic manufacture, packed in the United States; 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 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, or numerical count.

On March 28, 1919, the said Adolph Panarelli, 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 released to said claimant upon the payment of the costs of the proceedings and the execution of a bond in the sum of \$100, in conformity with section 10 of the act.

E. D. BALL,

*Acting Secretary of Agriculture.*