

the further reason that the contents of the said bottles were offered for sale under the name of another article. Misbranding was alleged for the further reason that the said article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the said statement was not made in terms of measure as required by regulation of this department.

On June 30, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

9916. Misbranding of middlings. U. S. * * * v. Dallas W. Dietrich, Elmer W. Dietrich, and Harry D. Dietrich (D. W. Dietrich & Co.). Pleas of nolo contendere. Fine, \$25. (F. & D. No. 14899. I. S. No. 16725-r.)

On June 13, 1921, 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 an information against Dallas W. Dietrich, Elmer W. Dietrich, and Harry D. Dietrich, co-partners, trading as D. W. Dietrich & Co., Leesport, Pa., alleging shipment by said defendants, under the name of Schuylkill Flour Mills, on or about February 14, 1920, in violation of the Food and Drugs Act, as amended, from the State of Pennsylvania into the State of Maryland, of a quantity of an article invoiced as middlings, which was misbranded.

Misbranding of the article was alleged in the information for the 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.

On June 13, 1921, the defendants entered pleas of nolo contendere to the information, and the court imposed a fine of \$25.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

9917. Adulteration and misbranding of olive oil. U. S. * * * v. 19 Cans * * *, 7 Cans * * *, and 34 Cans * * * of Pure Olive Oil, So Called. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 15007. I. S. Nos. 6412-t, 6413-t, 6414-t. S. No. E-3368.)

On June 2, 1921, 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 19 cans, $\frac{1}{2}$ gallon size, 7 cans, 1 gallon size, and 34 cans, 1 quart size, of pure olive oil, so called, remaining in the original unbroken packages at Elizabeth, N. J., alleging that the article had been shipped by Yohalem & Diamond, importers and packers, New York, N. Y., on or about April 21, 1921, 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.

Adulteration of the article was alleged in the libel for the reason that a substance, to wit, cottonseed oil, had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted in part for pure olive oil, which the said article purported to be. Adulteration was alleged for the further reason that cottonseed oil had been mixed with the said article in a manner whereby its damage and inferiority to pure olive oil were concealed.

Misbranding was alleged in substance for the reason that the statements, to wit, "* * * Pure Olive Oil * * * Olio Puro D'Oliva * * *

Questo Olio d'Oliva e'garantito assolutamente puro sotto analisi chimica. * * * This Olive Oil is guaranteed to be absolutely pure under chemical analysis," appearing on the half-gallon cans containing the said article, and "Pure Olive Oil * * * Extra Olio Puro d'Oliva * * * Marca Stella * * * Non Plus Ultra Olio Sopraffino Puro D'Oliva Garantito sotto qualunque Analisi Chimica * * *," appearing on the gallon and quart cans containing the said article, regarding the article and the ingredients and substances contained therein, were false and misleading in that they represented the said article to be pure olive oil, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the said cans contained pure olive oil, whereas, in truth and in fact, the article contained in the said cans was not pure olive oil, but was composed in part of cottonseed oil.

On July 1, 1921, Yohalem & Diamond, New York, N. Y., claimant, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$500, in conformity with section 10 of the act, conditioned in part that the said product be not shipped or sold unless rebranded and properly marked.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

9918. Adulteration and misbranding of egg noodles. U. S. * * * v. 4 Boxes * * * and 18 Boxes * * * of Egg Noodles, So Called. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 15008. I. S. Nos. 8738-t, 8739-t. S. No. E-3367.)

On May 28, 1921, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the District aforesaid, holding a district court, a libel for the seizure and condemnation of 4 boxes, each containing 24 six-ounce packages, and 18 boxes, each containing 48 three-ounce packages, of egg noodles, remaining in the original unbroken packages at Washington, D. C., alleging that the article was being offered for sale in the District of Columbia, and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that a substance, to wit, plain noodles containing little or no egg solids, 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 egg noodles, which the said article purported to be. Adulteration was alleged for the further reason that a substance, to wit, plain noodles containing little, if any, egg solids, had been prepared and mixed with the said article in a way whereby its inferiority to egg noodles was concealed.

Misbranding was alleged for the reason that the cartons containing the said article were labeled as to the article and the ingredients contained therein as follows, "Kerr's * * * Home Made Style Medium Egg Noodles * * * Guaranteed Pure And Free From Artificial Coloring * * * Kerr's Egg Noodles," which statements were false and misleading in that they represented the said article to be genuine egg noodles requiring no coloring other than that which the necessary egg solids which it purported to contain would give the same, and for the further reason that the statement, to wit, "Guaranteed Pure And Free From Artificial Coloring," borne on the said cartons, was misleading in that it represented the said article to be colored naturally by egg yolk, therefore requiring and containing no artificial coloring. Misbranding was alleged for the further reason that the article was labeled as afore-