

Misbranding was alleged for the reason that the package or label bore statements regarding the article or the ingredients and substances contained therein, to wit, "* * * Sweetened Condensed Milk * * * Net Weight 14 Ounces * * *," which were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the said article was an imitation of, and was offered for sale under the distinctive name of, another article; and 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.

On September 21, 1921, Young and Wile, Ltd., New York, N. Y., claimant, having admitted the allegations of the libel and 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 said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$250, in conformity with section 10 of the act, conditioned in part that the said product be disposed of only upon full representations that it was deficient in butter fat and slightly short weight.

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

10137. Adulteration and misbranding of olive oil. U. S. * * * v. 23 Half-Gallon Cans of Olive Oil * * *, et al. Default decrees of condemnation, forfeiture, and sale. A portion of the property destroyed by mistake. (F. & D. Nos. 15304, 15305. I. S. Nos. 8494-t, 8495-t, 8496-t. S. Nos. E-3526, E-3527.)

On August 4, 1921, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 23 half-gallon cans, 31 quart cans, and 10 gallon cans of olive oil, remaining in the original unbroken packages at Baltimore, Md., consigned June 11 and 17, 1921, respectively, alleging that the article had been shipped by Scaduto & Co., New York, N. Y., and transported from the State of New York into the State of Maryland, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part, "Pure Olive Oil Sanzio Brand * * *"

Adulteration of a portion of the article was alleged in the libels for the reason that cottonseed oil had been mixed and packed with, and substituted wholly or in part for, the said article, and for the further reason that it was mixed in a manner whereby its damage or inferiority was concealed.

Misbranding was alleged for the 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. Misbranding was alleged in substance for the further reason that certain statements, designs, and devices regarding the article and the ingredients and substances contained therein, appearing in the labeling of the cans containing a portion of the said article, to wit, "This Olive Oil Is Guaranteed To Be Absolutely Pure Under Chemical Analysis And Excellent For Medical And Table Use * * * Half Gallon," together with similar statements in Italian and a design showing a foreign scene, and the statements "One Quart" or "One Gallon," as the case might be, appearing on the labeling of the cans containing the remainder of the article, were false and misleading and deceived and misled the purchaser. Misbranding was alleged with respect to a portion of the article for the further reason that it was an imitation of, and was offered for sale under the distinctive name of, another article, and for the further reason that it purported to be a foreign product when not so.

On October 1, 1921, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be relabeled so as to comply with the provisions of the said act and that it be sold by the United States marshal. Through an error a portion of the product was destroyed by the United States marshal.

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

10138. Adulteration of canned cherries. U. S. * * * v. 87 Cases of Cherries. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 15354. I. S. No. 3792-t. S. No. C-3196.)

On August 30, 1921, the United States attorney for the Eastern District of Missouri, 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 87 cases of cherries, consigned by the Graves Canning Co.,