

On June 21, 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. F. MARVIN, *Acting Secretary of Agriculture.*

10271. Misbranding of lemon extract. U. S. * * * v. American Mutual Drug Co., Inc., a Corporation. Plea of guilty. Fine, \$100. (F. & D. No. 14935. I. S. No. 9253-t.)

On October 3, 1921, the United States attorney for the Eastern District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the American Mutual Drug Co., Inc., a corporation, Richmond, Va., alleging shipment by said company, on or about November 6, 1920, in violation of the Food and Drugs Act, as amended, from the State of Virginia into the State of North Carolina, of a quantity of lemon extract which was misbranded. The article was labeled in part: "American Mutual Drug Co. Mutual Brand Richmond, Va., U. S. A. * * * Alcohol 90% * * *."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained 77.1 per cent of alcohol.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "Alcohol 90%," borne on the bottle and carton labels, regarding the quantity of alcohol contained in the said article, was false and misleading, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained 90 per cent of alcohol, whereas, in truth and in fact, the said article contained a less amount, to wit, 77.1 per cent by volume. 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.

On October 10, 1921, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100.

C. F. MARVIN, *Acting Secretary of Agriculture.*

10272. Adulteration and misbranding of olive oil. U. S. * * * v. 15 Cans and 7 Cans * * * of Olive Oil. Default decrees of condemnation, forfeiture, and sale. (F. & D. Nos. 15139, 15140. I. S. Nos. 5627-t, 5628-t. S. No. E-3413.)

On July 18, 1921, the United States attorney for the District of Massachusetts, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels, respectively, for the seizure and condemnation of 15 cans, $\frac{1}{4}$ gallon each, and 7 cans, $\frac{1}{2}$ gallon each, of olive oil, remaining unsold at Brockton, Mass., alleging that the article had been shipped by the Alpha Importing Co., New York, N. Y., on or about May 11, 1921, and transported from the State of New York into the State of Massachusetts, and charging misbranding, with respect to the former, and adulteration and misbranding, with respect to the latter, in violation of the Food and Drugs Act, as amended. The article contained in each of the respective sized cans was labeled in part: "Marconi Brand Finest Pure Olive Oil * * *."

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

Misbranding of the product contained in the said half-gallon cans was alleged in substance for the reason that certain statements, to wit, "Marca Marconi Olio Purissimo D'Oliva Guglielmo Marconi Marca Registrata * * * Half Full Gallon," together with the cut of Guglielmo Marconi and of the ocean and rising sun, borne on the labeling of the said cans, 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 made in a foreign country, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser thereof into the belief that it was pure olive oil and that each of the said cans contained a full half gallon of the said article, whereas, in truth and in fact, it was not pure olive oil and was not made in a foreign country, but was an adulterated product composed in part of an oil other than olive oil and was made in the