

Olive Oil * * * Better Than Olive Oil * * * One Gallon" (or "One Half Gallon" or "One Quart"); "Olio Puro Brand Olio Per Insalata Come L'Olio D'Oliva * * * A Compound Of Vegetable Oils Blended With Pure Olive Oil One Gallon * * *"; and "One Gallon" (or "One Half Gallon") "Olivolo Brand Olio Per Insalata Come L'Olio D'Oliva * * * A Pure Salad Oil Blended With Olive Oil Packed by Littauer Oil Co. Guttenberg, N. J. * * *

Adulteration of the Olio Puro Brand and the Olivolo Brand oils 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 articles, and for the further reason that they had been mixed in a manner whereby damage or inferiority was concealed.

Misbranding of the said Olio Puro Brand and the Olivolo Brand oils was alleged for the reason that they were imitations of, and offered for sale under the distinctive name of, another article, and for the further reason that they purported to be foreign products when not so. Misbranding was alleged with respect to the said oils for the further reason that the package or label bore the above-quoted statements, designs, and devices regarding the articles or the ingredients and substances contained therein, together with the use of the Italian language, which were false and misleading and deceived and misled the purchaser. Misbranding of the La Provence Brand and the Caproni Brand oils was alleged for the reason that the statements on the respective containers, to wit, "One Quart," "One Gallon," or "One Half Gallon," as the case might be, were false and misleading and deceived and misled the purchaser, and for the further reason that the said articles were food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On November 25, 1921, the cases involving 200 one-gallon cans, 100 one-half gallon cans, and 24 one-quarter gallon cans of La Provence Brand oil and 6 one-gallon cans of Caproni Brand oil having been consolidated into one action, and the Littauer Oil Co., Guttenberg, N. J., claimant, having admitted the allegations of the libels and having consented to the entry of decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the products 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 alleged gallon cans be remarked, "3 quarts, 1 pint, 7 fluid ounces" and that the half-gallon cans be remarked "1 quart, 1 pint, 13 fluid ounces."¹ On February 6 and March 13 and 21, 1922, respectively, no claimant having appeared for the remainder of the oil, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the labels be obliterated from the cans and that the products be delivered to the Salvation Army for consumption and not for sale.

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

10517. Adulteration of peaches. U. S. * * * v. 26 Cases, * * * 31 Cases, * * * and 47 Boxes * * * of Peaches. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 15811. I. S. No. 15577-t. S. No. E-3820.)

On March 27, 1922, the United States attorney for the Southern District of New York, 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 26 cases, 31 cases, and 47 boxes of peaches, remaining unsold in the original unbroken packages at New York, N. Y., consigned by the Johnston-Cox-Mann Co., Marianna, Ark., alleging that the article had been shipped from Marianna, Ark., on or about March 8, 1922, and transported from the State of Arkansas into the State of New York, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid vegetable substance.

On May 15, 1922, 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.*

¹ Seizure of the quarter-gallon cans was not effected.