

article purporting to be olive oil, remaining unsold at Paterson, N. J., alleging that the article had been shipped by I. Haber, New York, N. Y., on or about June 24, 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, as amended.

Adulteration of the article considered as a food was alleged in the libel for the reason that a substance, peanut oil, mixed in a manner whereby damage or inferiority was concealed, had been substituted wholly or in part for the said article and had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality or strength. Adulteration of the article considered as a drug was alleged for the reason that it was sold under a name recognized in the United States Pharmacopœia, and differed from the pharmacopœial standard of strength, quality, or purity.

Misbranding of the article was alleged in substance for the reason that the package or label bore a statement, design, or device, regarding the said article or the ingredients or substances contained therein, as follows, "Olio d'Oliva Puro Importato Pure Imported Olive Oil Napoli Brand Net Contents One Gal." (or "Half-Gallon" or "One Quart") "This imported olive oil is guaranteed to be absolutely pure and especially adapted for medicinal and table use," together with similar statements in Italian and the cut of a foreign scene suggesting Naples, which were false and misleading and deceived and misled the purchaser. 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 in that the statement made was not correct.

On February 9, 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.*

**10544. Misbranding of butter. U. S. \* \* \* v. Bryant & Ordway Co., a Corporation. Plea of nolo contendere. Information placed on file. (F. & D. No. 15251. I. S. No. 13376-t.)**

On November 5, 1921, the United States attorney for the District of Massachusetts, 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 Bryant & Ordway Co., a corporation, Boston, Mass., alleging shipment by said company, on or about February 28, 1921, in violation of the Food and Drugs Act, as amended, from the State of Massachusetts into the State of New Hampshire, of a quantity of butter 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 March 24, 1922, a plea of nolo contendere was entered on behalf of the defendant company, and the court ordered the information placed on file.

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

**10545. Misbranding of compound oil. U. S. \* \* \* v. 13 Cans \* \* \* of Compound Oil. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 14988. I. S. No. 6621-t. S. No. E-3387.)**

On June 24, 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 13 gallon cans of compound oil, remaining unsold at Newark, N. J., alleging that the article had been shipped by the Economu-Ritsos Co., Inc., New York, N. Y., on or about May 26, 1921, and transported from the State of New York into the State of New Jersey, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: "Extra Fine Quality Oil For Salads Victory Brand \* \* \* Packed by Economu-Ritsos Co. Inc. New York."

Misbranding of the article was alleged in the libel for the reason that the statement borne on the cans containing the article, concerning the quantity of the article contained therein, to wit, "Net Contents One Gallon," was false and misleading, since the said cans did not contain one gallon net of the said article but contained a less quantity, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the said cans each contained one gallon net of the said article,