

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 said article was labeled and branded so as to deceive and mislead the purchaser.

On January 17, 1918, the matter having come on to be heard, the court found there was probable cause for the filing of the libel, and found further in favor of the United States, and, it appearing to the court that the Peninsular Grocery Co., Tampa, Fla., had entered into good and sufficient bond in conformity with section 10 of the act and that the goods had been delivered to said claimant, who had paid the costs of the proceedings, it was ordered by the court that the proceedings be dismissed at the cost of said claimant.

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

**10672. Misbranding of olive oil. U. S. v. 9½ Cases of Olive Oil. Default decree of condemnation and forfeiture. Product ordered sold.** (F. & D. No. 15296. I. S. No. 10772-t. S. No. W-925.)

On or about August 2, 1921, the United States attorney for the District of Utah, 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 9½ cases of olive oil, remaining in the original unbroken packages at Salt Lake City, Utah, alleging that the article had been shipped on or about May 16, 1921, by Lekas and Drivas, New York, N. Y., and transported from the State of New York into the State of Utah, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: "Net contents ½ Gallon \* \* \* Pure Olive Oil. Imported and Packed by us. Lekas and Drivas. Piraeus, Greece. New York, U. S. A."

Misbranding of the article was alleged in the libel for the reason that the statement on the label thereof, "Net Contents ½ Gallon," was false and misleading, in that the net contents was not one-half gallon, and for the further reason that the article was in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On November 18, 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 sold by the United States marshal after having been labeled and branded in such manner as correctly to designate the contents of the cans containing the same.

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

**10673. Adulteration of fava beans. U. S. \* \* \* v. 542 Sacks Containing Fava Beans. Consent decree of condemnation and forfeiture. Product released on bond for sorting and destruction of the adulterated beans.** (F. & D. No. 15476. I. S. Nos. 6915-t, 6916-t, 6917-t, 6918-t. S. No. E-3606 )

On October 13, 1921, the United States attorney for the Eastern 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 542 sacks containing fava beans, remaining unsold in the original unbroken packages at Brooklyn, N. Y., alleging that the article had been shipped on or about September 7, 1921, by Adolf Koshland, San Francisco, Calif., consigned to himself at New York, N. Y., and transported from the State of California 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, the product being largely weevil or larvæ infested.

On December 28, 1921, Nathan Yohalem and Joseph Diamand, trading under the name of Yohalem and Diamand, New York, N. Y., having admitted the truth of the allegations of the libel and consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product might be released to said claimants, upon payment of the costs of the proceedings and the execution of bond in the sum of \$6,000, in conformity with section 10 of the act, conditioned in part that the article be sorted by the claimants under the supervision of this department.

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

**10674. Adulteration of stringless beans. U. S. \* \* \* v. 9 Cases and 13 Cases of Stringless Beans. Default decrees of condemnation, forfeiture, and destruction.** (F. & D. Nos. 15974, 15975. Inv. Nos. 36518, 36519. S. Nos. E-3761, E-3762.)

On February 10, 1922, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the