

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

District Court of the United States for said district libels for the seizure and condemnation of 9 cases and 13 cases of stringless beans, remaining unsold in the original unbroken packages at Stamford and Danbury, Conn., alleging that the article had been shipped on or about October 20 and September 30, 1921, by the Webster-Butterfield Co., Inc., Baltimore, Md., and transported from the State of Maryland into the State of Connecticut, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Webster's Best Brand Stringless Beans \* \* \* Packed by Webster-Butterfield Co. Inc. Baltimore, Md."

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

On June 12, 1922, no claimants 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.*

**10675. Adulteration and misbranding of cottonseed meal. U. S. \* \* \* v. 375 Sacks \* \* \* of Cottonseed Meal. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 16192. I. S. No. 6735-t. S. No. E-3837.)**

On April 8, 1922, 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 a libel of information praying the seizure for condemnation of 375 sacks of cottonseed meal, remaining in the original unbroken packages at Ayer, Mass., alleging that the article had been shipped on or about March 2, 1922, by Black & Co., Macon, Ga., and transported from the State of Georgia into the Commonwealth of Massachusetts, and charging adulteration and misbranding in violation of the Food and Drugs Act. Said article was labeled in part, "Thirty Six' Brand Cotton Seed Meal. Manufactured for L. B. Lovitt & Company Memphis, Tennessee, Dallas, Texas."

Adulteration of the article was alleged in the libel for the reason that a substance low in protein and high in fiber had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted in part for the article.

Misbranding was alleged in substance for the reason that the statements, to wit, "Cotton Seed Meal \* \* \* Guaranteed Analysis Protein (Equivalent 7% ammonia) 36.00% \* \* \* Fibre 14.00%," borne and labeled upon the tags attached to the sacks, concerning the amount of protein and fiber in the article, were false and misleading in that said statements represented and guaranteed the article to contain 36 per cent of protein and 14 per cent of fiber, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser thereof into the belief that it contained 36 per cent of protein and 14 per cent of fiber, whereas, in truth and in fact, said article contained less than 36 per cent of protein and more than 14 per cent of fiber.

On May 2, 1922, the matter having come on to be heard and the J. Cushing Co., Fitchburg, Mass., having filed satisfactory bond in conformity with section 10 of the act, the court found the product to be adulterated and misbranded as alleged, and condemned the same, but ordered that upon payment of the costs of the proceedings the product might be delivered to said claimant.

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

**10676. Misbranding of olive oil. U. S. \* \* \* v. 87 Cans \* \* \* of Olive Oil. Default decree of condemnation and forfeiture. Product ordered sold. (F. & D. No. 16352. I. S. Nos. 13925-t, 13304-t. S. No. W-1092.)**

On May 29, 1922, the United States attorney for the District of Wyoming, 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 cans, more or less, of olive oil, remaining unsold in the original unbroken packages at Cheyenne, Wyo., alleging that the article had been shipped on or about April 15, 1922, from Chicago and transported from the State of Illinois into the State of Wyoming, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part, "Athlete Brand Pure Olive Oil Nasiacos Importing Co., Chicago, Ill."

Misbranding of the article was alleged in the libel for the reason that the statement upon each of 41 cans of said product, "Contents  $\frac{1}{2}$  Gallon" or "60