

10825. Misbranding of olive oil. U. S. v. 47 Quart Cans, et al, of Olive Oil. Default decree of condemnation, forfeiture, and destruction or sale. (F. & D. No. 15480. I. S. Nos. 6268-t, 15478-t, 15479-t. S. No. E-3605.)

On October 15, 1921, 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 a libel for the seizure and condemnation of 47 quart cans, 9 gallon cans, and 20 half-gallon cans of olive oil, remaining unsold in the original unbroken packages at Bridgeport, Conn., alleging that the article had been shipped by N. Goodman & Son, New York, N. Y., on or about August 24, 1921, and transported from the State of New York into the State of Connecticut, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: "Pure Imported Olive Oil Olio d'Oliva Puro Di Lucca Italia Marca Stella Alpino Brand * * * N. Goodman & Son Importers & Packers N. Y. U. S. A. Lucca Italy * * * Net Contents One Full Quart" (or "One Full Gallon" or "One Full Half Gallon").

Examination of a sample of the article by the Bureau of Chemistry of this department showed that it was short weight.

Misbranding of the article was alleged in substance in the libel for the reason that the respective cans containing the said article bore the following statements, "Net Contents One Full Quart," "One Full Gallon," and "One Full Half Gallon," as the case might be, which said statements 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 packages.

On January 10, 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 sold by the United States marshal or destroyed if such sale could not be speedily effected.

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

10826. Adulteration and misbranding of vinegar. U. S. v. 26 Barrels, et al, of Vinegar. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 15627, 15834. I. S. Nos. 8373-t, 8374-t, 17254-t, 17255-t. S. Nos. E-3648, E-3830.)

On December 30, 1921, and April 5, 1922, the United States attorney for the Northern District of West Virginia, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 26 barrels, 23 barrels, 10 half barrels, and 32 cases of vinegar, remaining unsold in the original unbroken packages, in part at Fairmont, and in part at Clarksburg, W. Va., alleging that the article had been shipped on or about October 17 and 6, 1921, by the DeLuxe Products Co., Pittsburgh, Pa., and transported from the State of Pennsylvania into the State of West Virginia, and charging adulteration and misbranding in violation of the Food and Drugs Act. A portion of the product was labeled in part, "DeLuxe Products Co. DeLuxe Pure Cider Vinegar Pittsburgh, Pa.;" and a portion was labeled, "DeLuxe Brand Pure Cider Vinegar Made From Apple Juice."

Adulteration of the article was alleged in substance in the libels for the reason that it was not pure cider vinegar, but was made from evaporated apple products and consisted wholly or in part of distilled vinegar which had been mixed and packed with the article so as to reduce, lower, and injuriously affect its quality and strength and had been wholly or in part substituted for the article, and for the further reason that it was mixed and colored in a manner whereby damage and inferiority were concealed.

Misbranding was alleged in substance for the reason that the statements "Pure Cider Vinegar" and "Pure Cider Vinegar Made From Apple Juice" were false and misleading for the reason that the product was not pure cider vinegar made from apple juice or pure cider vinegar, for the further reason that said article was an imitation of and offered for sale under the distinctive name of another article, to wit, pure cider vinegar made from apple juice and pure cider vinegar, and for the further reason that the article was labeled and branded so as to deceive and mislead the purchaser.

On January 25 and June 5, 1922, no claimant having appeared for the property, judgments of condemnation and forfeiture were 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.*