

**10835. Misbranding of salad oil. U. S. v. 50 Cans, et al, of Salad Oil. Consent decrees of condemnation and forfeiture. Product released under bond.** (F. & D. Nos. 15242, 15277, 15278. I. S. Nos. 6981-t, 6982-t, 7035-t, 7037-t, 7038-t, 7039-t. S. Nos. E-3462, E-3498, E-3505.)

On July 23 and 27, 1921, respectively, 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 90 gallon cans, 20 half-gallon cans, and 100 quart cans of salad oil, remaining unsold in the original unbroken packages, in part at New Haven, Conn., and in part at Bridgeport, Conn., alleging that the article had been shipped by the Littauer Oil Co., Guttenberg, N. J., between the dates of March 10 and June 15, 1921, and transported from the State of New Jersey into the State of Connecticut, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: "La Provence Brand Oil \* \* \* Better than Olive Oil \* \* \* Littauer Oil Co., Guttenberg, N. J."

Misbranding of the article was alleged in substance in the libels for the reason that the cans containing the said article bore the following statements, "Net Contents One Gallon," "One Half-gallon," or "One Quart," 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 said packages.

On February 1, 1922, the Littauer Oil Co., Guttenberg, N. J., having entered an appearance as claimant for the property and having consented to the entry of decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of good and sufficient bonds, in conformity with section 10 of the act.

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

**10836. Adulteration and misbranding of olive oil. U. S. v. 5 Cans, et al, of Olive Oil. Default decree of condemnation, forfeiture, and sale or destruction.** (F. & D. No. 15284. I. S. Nos. 7032-t, 7033-t, 7034-t. S. No. E-3497.)

On July 28, 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 14 half-gallon cans and 9 gallon cans of olive oil, remaining unsold in the original unbroken packages at Bridgeport, Conn., alleging that the article had been shipped by the Littman Oil Co., New York, N. Y. (invoiced by the Littauer Oil Co. Guttenberg, N. J.), on or about May 21, 1921, and transported from the State of New York into the State of Connecticut, and charging adulteration and misbranding in violation of the Food and Drugs Act. A portion of the article was labeled in part: "La Marca \* \* \* Loco One Half Gallon Olio Il Loco Brand \* \* \* Littauer Oil Co. Guttenberg, N. J." The remainder of the article was labeled in part: "One Half Gallon" (or "One Gallon") "Olivolo Brand Olio Per Insalata Come L'Olio D'Oliva \* \* \*."

Adulteration of the Olivolo brand was alleged in the libel for the reason that cottonseed oil had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted wholly or in part for the said article. Adulteration was alleged for the further reason that it was mixed in a manner whereby inferiority was concealed.

Misbranding was alleged in substance for the reason that the labels on the cans containing the Olivolo brand bore the following statements. "Olivolo Brand \* \* \* Olio Per Insalata Come L'Olio D'Oliva \* \* \* A Pure Salad Oil Blended With Olive Oil \* \* \* Il Provence 'Olio' Viene Estratto Da Vegetali Di Prima Qualita Con Metodi Perfezionati E'Iginici E'Perfettamente \* \* \* E'Salutifero Per Eccellenza," together with a design of a draped flag, crown, and shield, and the cans containing the remainder of the article bore the statement, "One half Gallon," which said statements, designs, and devices were false and misleading and deceived and misled the purchaser. Misbranding was alleged, with respect to the Olivolo brand, for the further reason that it was an imitation of and offered for sale under the distinctive name of another article, to wit, olive oil, and for the further reason that it purported to be a foreign product, when, in truth and in fact, it was a product of domestic manufacture packed in the United States.