

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.

On September 30, 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 or destroyed if such sale could not be speedily effected.

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

10837. Adulteration and misbranding of sauerkraut. U. S. v. 71 Cases of Sauerkraut. Consent decree of condemnation and forfeiture. Goods ordered released on bond. (F. & D. No. 16057. I. S. No. 939-t. S. No. C-3432.)

On February 20, 1922, the United States attorney for the Western District of Kentucky, 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 71 cases of sauerkraut, remaining unsold in the original unbroken packages at Louisville, Ky., consigned by the New Albany Canning Corp., New Albany, Ind., on or about February 1, 1922, alleging that the article had been transported in interstate commerce from the State of Indiana into the State of Kentucky, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Indiana Home Brand Sauer Kraut * * * Packed by New Albany Canning Corp. (Incorporated) New Albany, Ind."

Adulteration of the article was alleged in the libel for the reason that excessive brine or liquor had been mixed and packed therewith and substituted wholly or in part for the article.

Misbranding was alleged for the reason that the statement, "Sauer Kraut," was false and misleading and deceived and misled the purchaser, and for the further reason that said article was an imitation of, and was offered for sale under the distinctive name of, another article.

On April 11, 1922, the said New Albany Canning Corp., claimant, having appeared for the property and the matter having come on for hearing before the court, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product might be released to said claimant upon the payment of the cost of the proceeding and the execution of bond, in conformity with section 10 of the act, conditioned in part that the claimant rebrand and correctly label the product so as to show its true nature and character.

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

10838. Adulteration of eggs. U. S. v. Golden & Co., a Corporation. Collateral of \$50 forfeited. (F. & D. No. 16216. I. S. No. 17010-t.)

On July 11, 1922, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Police Court of the said District an information against Golden & Co., a corporation, Washington, D. C., alleging that said company on December 29, 1921, did offer for sale and sell within the District of Columbia a quantity of shell eggs which were adulterated in violation of the Food and Drugs Act.

Examination by the Bureau of Chemistry of this department of a sample of the article, consisting of 1,260 eggs, showed the presence of 133 bad eggs, or 10.5 per cent, consisting of black rots, mixed or white rots, moldy eggs, and spot rots.

Adulteration of the article was alleged in the information for the reason that it consisted in whole or in part of a filthy and decomposed and putrid animal substance.

On July 11, 1922, the case having come on for hearing and the defendant company having failed to appear, the \$50 that had been deposited by it as collateral to insure its appearance was ordered forfeited by the court.

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

10839. Adulteration of oranges. U. S. v. 396 Boxes, et al, of Oranges. Consent decrees of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 16357, 16365. I. S. Nos. 3923-t, 3925-t. S. Nos. C-3512, C-3632.)

On or about March 25 and May 1, 1922, respectively, the United States attorney for the Western District of Oklahoma, 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 792 boxes of oranges, remaining unsold in the original unbroken packages at Oklahoma City, Okla.,