

10894. Misbranding of olive oil. U. S. v. 46 Cases, et al, of Olive Oil. Consent decrees of condemnation and forfeiture with respect to a portion of the product and orders entered for its release under bond. Default decrees of condemnation, forfeiture, and sale or destruction with respect to remainder. (F. & D. Nos. 15336, 15370, 15485, 15528. I. S. Nos. 7041-t, 7042-t, 7044-t, 7046-t, 5452-t, 5453-t, 5454-t, 15484-t. S. Nos. E-3546, E-3550, E-3592, E-3600.)

On August 16, October 1, and October 5, 1921, respectively, the United States attorney for the District of Connecticut, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 46 cases (12 gallon cans each), 117 gallon cans, 30 half-gallon cans, and 132 quart cans of olive oil, remaining unsold in the original unbroken packages in various amounts at Waterbury, Stafford Springs, Danbury, and Bridgeport, Conn., respectively, alleging that the article had been shipped by Poleti & Co., New York, N. Y., between the dates of May 19 and July 23, 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: "Mariani Pure Olive Oil * * *."

Misbranding of the article was alleged in substance in the libels for the reason that the respective cans containing the said article bore the following statements, "Contains One Gallon Full Measure," "Contains Half Gallon Full Measure," "Contains One Quart Full Measure," "One Gallon," "Half-Gallon," or "One Quart," as the case might be, which 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 November 8 and December 13, 1921, respectively, Poleti & Co., Inc., New York, N. Y., having entered an appearance as claimant for 46 cases, 6 gallons, and 57 quarts of the product and having consented to the entry of decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the said portion be released to the claimant upon payment of the costs of the proceedings and the execution of bonds in the aggregate sum of \$2,863, in conformity with section 10 of the act. On January 10, 1922, no claimant having appeared for the remainder of the product, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the said portion be sold by the United States marshal, or destroyed if such sale could not be speedily effected.

C. F. MARVIN, *Acting Secretary of Agriculture.*

10895. Misbranding of olive oil. U. S. v. 9 Cans of Compound Corn Salad Oil and Olive Oil. Default decree of condemnation, forfeiture, and sale or destruction. (F. & D. No. 15372. I. S. No. 7043-t. S. No. E-3554.)

On or about August 22, 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 9 gallon cans of compound corn salad oil and olive oil, remaining unsold in the original unbroken packages at Bridgeport, Conn., alleging that the article had been shipped by Crisafulli Bros., New York, N. Y., on or about July 19, 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.

Misbranding of the article was alleged in substance in the libel for the reason that the labels of the cans containing the article bore the following statements, "Finest Quality Table Oil La Migliore Brand Insuperabile Corn salad oil compounded with Extra Fine Olive Oil Net Contents One Gallon Packed in U. S. A. * * *," 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 package.

On September 16, 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. F. MARVIN, *Acting Secretary of Agriculture.*