

Adulteration of the article was alleged in the information for the reason that a substance, to wit, cottonseed oil, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and strength and had been substituted in large part for olive oil, which the said article purported to be.

Misbranding was alleged for the reason that the statements, to wit, "Extra Fine Olive Oil Olio d'Oliva Purissimo Importato Italia Brand 1 Gallon Net," borne on the cans containing the article, regarding the said article and the ingredients and substances contained therein, were false and misleading in that the said statements represented that the article was olive oil, that it was a foreign product, to wit, olive oil produced in the Kingdom of Italy, and that each of the said cans contained 1 gallon net of the article, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was olive oil, that it was a foreign product, to wit, an olive oil produced in the Kingdom of Italy, and that each of the said cans contained 1 gallon net of the said article, whereas, in truth and in fact, it was not olive oil, but was a mixture composed in large part of cottonseed oil, it was not a foreign product, but was a domestic product, to wit, an article produced in the United States of America, and each of said cans did not contain 1 gallon net of the said article, but did contain a less amount. Misbranding was alleged for the further reason that the article was a mixture composed in large part of cottonseed oil, prepared in imitation of and offered for sale and sold under the distinctive name of another article, to wit, olive oil, for the further reason that it purported to be a foreign product when not so, and for the further reason that it 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 26, 1922, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$50.

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

**11034. Adulteration and misbranding of minced clams. U. S. v. 4 Dozen Cases of Minced Clams. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 16314. I. S. No. 10964-t. S. No. W-1080.)**

On May 13, 1922, the United States attorney for the District of Oregon, 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 4 dozen cases of minced clams, remaining in the original unbroken packages at Portland, Oreg., alleging that the article had been shipped by the Grays Harbor Fisheries & Packing Co., Inc., Aberdeen, Wash., April 14, 1922, and transported from the State of Washington into the State of Oregon, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Can) "Royal Club Brand Minced Clams."

Adulteration of the article was alleged in substance in the libel for the reason that excessive water or clam juice 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 normal minced clams of good commercial quality.

Misbranding was alleged in substance for the reason that the statement appearing on the label of the can containing the article, to wit, "Minced Clams," was false and misleading and deceived and misled the purchaser.

On June 12, 1922, Grays Harbor Fisheries Co., Inc., Aberdeen, Wash., claimant, having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$250, in conformity with section 10 of the act.

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

**11035. Adulteration and misbranding of cocoa. U. S. v. 76 Cases of Cocoa. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 16390. S. No. E-3894.)**

On June 14, 1922, the United States attorney for the District of Maryland, 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 76 cases of cocoa, consigned on or about October 19, 1921, remaining in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped by the C. H. Jones Co., New York, N. Y., and trans-