

On June 21, 1923, 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 destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11631. Adulteration and misbranding of compound oil. U. S. v. 50 Cans of Oil. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 15158. I. S. No. 7049-t. S. No. E-3593.)

On October 11, 1921, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 50 alleged gallon cans of oil at Jersey City, N. J., alleging that the article had been shipped by B. Mayer, New York, N. Y., on or about June 23, 1921, and transported from the State of New York into the State of New Jersey, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Cans) "High Grade Oil Medaglia D'Oro Brand" (pictorial representations of olive branches, Italian medals, a mounted Italian soldier, and an Italian city) "Re d'Italia MB Preparato Per Salse Fritture Insalatae Quallsiasi Altro Uso Di Tavola E Cucina Specially Prepared For Salads Frying Cooking Mayonnaise And For All Dressing;" (in inconspicuous type) "Vegetable Salad Oil Slightly Flavored With Pure Olive Oil A Compound Net Contents One Gallon * * * Packed By B. Mayer New York."

Adulteration of the article was alleged in the libel for the reason that a substance, to wit, cottonseed oil containing no appreciable amount, if any, olive oil, had been substituted wholly or in part for Medaglia D'Oro Brand Re d'Italia high grade oil, to wit, olive oil, which the said article purported to be, and for the further 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.

Misbranding was alleged in substance for the reason that the statements, to wit, "High Grade Oil Medaglia D'Oro Brand," and the pictorial representation of olive branches, Italian medals, mounted Italian soldier, and an Italian city, borne and labeled 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 and designs represented the article to be Medaglia D'Oro Brand Re d'Italia high grade oil, to wit, olive oil made in Italy, 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 made in Italy, whereas, in truth and in fact, it was not an Italian-made olive oil but was a product made in the United States of America and was composed wholly or practically wholly of cottonseed oil and contained no determinable amount, if any, olive oil. Misbranding was alleged for the further reason that the article was composed practically wholly of cottonseed oil, containing no appreciable amount, if any, olive oil, and was an imitation of another article, to wit, olive oil, 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, since the stated quantity, to wit, "Net Contents One Gallon," was incorrect and represented more than the actual contents of the package.

On June 28, 1923, 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 destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11632. Adulteration and misbranding of oil. U. S. v. 17 Cans, et al., of Oil. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 16625. I. S. Nos. 7109-t, 7110-t, 7111-t. S. No. E-3988.)

On June 26, 1922, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 46 cans of oil at Newark, N. J., alleging that the article had been shipped by B. Mayer, New York, N. Y., on or about April 21, 1922, and transported from the State of New York into the State of New Jersey, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: "High Grade Oil Medaglia D'Oro Brand * * * Re d'Italia * * * Net Contents One Gallon" (or "Contents $\frac{1}{2}$ Gallon" or "Contents $\frac{1}{4}$ Gallon").