

On August 19, 1925, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13735. Adulteration and misbranding of olive oil and other edible oils. U. S. v. 18 Cans et al. of Olive Oil. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 20098. I. S. Nos. 24537-v to 24541-v, incl., 24951-v to 24955-v, incl. S. No. E-5317.)**

On or about June 19, 1925, 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 praying the seizure and condemnation of 116 cans of olive oil (olive oil and other edible oils), transported in interstate commerce from New York City into the State of Connecticut, alleging that the articles had been shipped by G. Amarena, into the State of Connecticut, and, charging adulteration and misbranding in violation of the food and drugs act as amended.

Adulteration of the articles was alleged in the libel for the reason that a substance, cottonseed oil, had been mixed and packed therewith so as to reduce and lower and injuriously affect their quality and strength and had been substituted wholly or in part for the said articles.

Misbranding was alleged in substance for the reason that the labels on the cans containing the respective articles bore certain statements, designs, and devices, as follows: (29 cans) "This Olive Oil Is Guaranteed To Be Absolutely Pure And Is Made From The Finest Selected Olives Grown On The Italian Riviera. This Virgin Oil Is Highly Recommended For Medicinal \* \* \* Use"; (similar statements in Italian) "Vergine First Pressing Cream Olive Oil 128 Fluid Ounces. One Gallon Full Measure Guaranteed" (or "Half Gallon Full Measure Guaranteed"); (3 cans) "La Bella di Sorrento \* \* \* Olive Oil One Gallon Net" (cut of foreign woman and olive sprays bearing olives); (9 cans) "Pure Olive Oil \* \* \* Net Contents Half Gallon Superior Quality" (cut of olive sprays bearing olives); (3 cans) "Qualita Superiore Olio Tripolitania Puro Garantito Sotto Qualsiasi Analisi Chimica Contents ½ Gallon" (cut of map of Italy and foreign woman holding Italian flag, also map of Tripoli); (45 cans) "Extra Fine Olive Oil Olio D'Oliva Purissimo Importato Italia Brand Contents 1 Gallon" (or "Contents ½ Gallon") "Unexcelled For \* \* \* Medicinal Use Quest 'Olio Di Oliva Risulta Assolutamente Puro Sotto Analisi Chimica" (cut of olive branches and crown); (10 cans) "Contents One Gallon Olio Sicilia" (cut of foreign appearing chef); (3 cans) "La Vergine \* \* \* Finest Quality Oil Lucca Contents 1 Gallon Net Extra Fine Quality Oil Insuperable" (cut of olive bearing tree and foreign scene); (14 cans) "Net Contents Full ½ Gallon Olio Sopraffino Qualita Superiore Olio Finissimo \* \* \* Olive Oil \* \* \* Tripolitania \* \* \* Superior Quality" (cut of foreign medals, shields, crowns, and Italian flags), which said statements, designs, and devices borne on the cans containing the various products, together with the use of the Italian language in each instance, were intended to be of such a character as to induce the purchaser to believe that the products were as represented, and that the cans contained the respective amounts of the products represented, when, in truth and in fact, the products were not as represented and the said cans did not contain the amounts represented. Misbranding was alleged for the further reason that the articles were food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages, and for the further reason that they purported to be foreign products, when in fact they were of domestic manufacture packed in the United States.

On August 19, 1925, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the products be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13736. Misbranding of salad oil. U. S. v. 25 Tins of Salad Oil. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 20102. I. S. No. 24961-v. S. No. E-5326.)**

On or about June 15, 1925, 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 a libel praying the seizure and condemnation of 25 tins of salad oil, remaining in the original unbroken packages at

Bridgeport, Conn., alleging that the article had been shipped by the Fazio Brokerage Co., New York, N. Y., in part on or about April 23, 1925, and in part on or about May 6, 1925, 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: (Can) "San Giuseppe Brand Salad Oil Vegetable Oil Slightly Flavored With Pure Olive Oil A Compound Net Contents One Gallon."

Misbranding of the article was alleged in the libel for the reason that the labels on the tins containing the said article, "Slightly Flavored With Pure Olive Oil Net Contents One Gallon," were false and misleading and deceived and misled the purchaser, 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 statement made was not correct.

On August 19, 1925, 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.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13737. Misbranding of olive oil. U. S. v. 11 Gallons of Olive Oil. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 20085. I. S. No. 24525-v. S. No. E-5315.)**

On May 28, 1925, 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 praying the seizure and condemnation of 11 gallons of olive oil, remaining in the original unbroken packages at New Haven, Conn., alleging that the article had been shipped by Yohalem & Diamond, New York, N. Y., on or about February 6, 1925, 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: "Olio Puro D'Oлива White Star Brand Net Contents One Full Half Gallon."

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.

It was alleged in substance in the libel that the article was misbranded, in that the labels of the cans containing the said article bore certain statements, namely, "Net Contents One Full Half Gallon," which said statements were intended to induce the purchaser to believe that the cans contained one-half gallon of olive oil, when, in truth and in fact, they did not contain one-half gallon thereof.

On August 19, 1925, 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.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13738. Adulteration of tomato ketchup. U. S. v. 35 Cases of Tomato Ketchup. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 20117. I. S. No. 24545-v. S. No. E-5329.)**

On June 13, 1925, 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 praying the seizure and condemnation of 35 cases of tomato ketchup, remaining in the original unbroken packages at New Haven, Conn., alleging that the article had been shipped by W. N. Clark Co., Rochester, N. Y., on or about August 6, 1924, and transported from the State of New York into the State of Connecticut, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "W. N. Clark Co. Tomato Ketchup. Contents 7 Lbs."

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a filthy, decomposed, and putrid vegetable substance.

On August 19, 1925, 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.

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