

On May 29, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 56 cans of olive oil, remaining in the original unbroken packages at Harrisburg, Pa., alleging that the article had been shipped by L. Giacobelli, from Cortland, N. Y., on or about May 13, 1931, and had been transported from the State of New York into the State of Pennsylvania, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Olio Puro d'Olivo Lucca Italy Net Contents Full Gallon."

It was alleged in the libel that the article was adulterated in that a substance, cottonseed oil, had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality or strength, and had been substituted partly for the said article.

Misbranding was alleged for the reason that the statements on the label, "Olio Puro d'Olivo Lucca Italy Net Contents Full Gallon," were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reasons that the article was falsely branded as to the country in which it was produced; it purported to be a foreign product when not so; it was offered for sale under the distinctive name of another article; and it was in package form and failed to bear a plain and conspicuous statement of the quantity of the contents, since the quantity stated was not correct.

On June 25, 1931, 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 labeled "cottonseed oil," and sold by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**18721. Misbranding and alleged adulteration of canned grapefruit juice. U. S. v. 40 Cases of Canned Grapefruit Juice. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 26501. I. S. No. 22286. S. No. 4810.)**

Examination of samples of canned grapefruit juice from the shipment herein described having shown that the article contained undeclared added sugar, also that the cans contained less than the quantity of contents declared on the label, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Washington.

On June 18, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 40 cases of canned grapefruit juice, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the West Coast Fruit Co., Clearwater, Fla., from Tampa, Fla., on or about April 2, 1931, and had been transported from the State of Florida into the State of Washington, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Dixie Dainty Brand Florida Hand Peeled Grapefruit Juice Contents 11 Oz. Pure Grapefruit Juice \* \* \* West Coast Fruit Co., Packers, Clearwater, Florida."

It was alleged in the libel that the article was adulterated in that an undeclared added substance, to wit, sugar, had been substituted partly for the said article.

Misbranding was alleged for the reason that the statements on the label, "Grapefruit Juice," "Contents 11 Oz.," and "Pure Grapefruit Juice," were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article, and for the further reason that it was in package form and failed to bear a plain and conspicuous statement of the quantity of the contents, since the statement made was not correct.

On June 29, 1931, the Kelley-Clarke Co., Seattle, Wash., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment was entered finding the product misbranded and ordering its condemnation and forfeiture, and it was further ordered by the court that the said product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$100, or the deposit of cash in like amount, conditioned in part that it be relabeled under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*