

On July 12 and 18, 1934, 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.

M. L. WILSON, *Acting Secretary of Agriculture.*

22808. Misbranding of olive oil. U. S. v. 66 Cases, et al., of Olive Oil. Consent decrees of condemnation. Product released under bond for refilling and/or relabeling. (F. & D. nos. 32867, 32981, 32982. Sample nos. 38878-A, 38882-A, 38883-A, 38887-A, 38889-A, 38891-A.)

Sample bottles of olive oil taken from the shipments involved in these cases were found to contain less than the declared volume. The statements of the quantity of the contents appearing on two of the lots, were not made in fluid ounces.

On June 12 and June 20, 1934, the United States attorney for the Southern District of California, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 490 cases of olive oil, in part at Los Angeles, Calif., and in part at Santa Monica, Calif., alleging that the article had been shipped in interstate commerce, in two shipments, on or about May 17 and May 25, 1934, respectively, by W. A. Taylor & Co., from New York, N. Y., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part, variously: (Bottles) "Red Lion Imported Pure Virgin Olive Oil * * * Contents 4 Oz. [or "Contents 16 Oz.]" ; "Virgilio Imported Pure Virgin Olive Oil * * * Contents 8 Fl. Ozs." [or "4 Fl. Ozs.]" ; "Alpi Imported Olive Oil Contents 8 fl. ozs." All lots were labeled: "Packed by W. A. Taylor & Co., New York."

It was alleged in the libels that the article was misbranded in that the statements on the labels, "Contents 4 Oz.", "Contents 16 Oz.", "Contents 8 Fl. Ozs.", or Contents 4 Fl. Ozs.", were false and misleading and tended to deceive and mislead 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 packages, since the statements made were incorrect, and in the case of the "Red Lion" brand, were not made in terms of fluid ounces.

On June 26, 1934, W. A. Taylor & Co., New York, N. Y., claimant, having admitted the allegations of the libels and having consented to the entry of decrees, judgments of condemnation were entered and it was ordered by the court that the product be released to the claimant upon the execution of bonds totaling \$2,000, conditioned that the bottles be refilled, or refilled and relabeled.

M. L. WILSON, *Acting Secretary of Agriculture.*

22809. Adulteration of butter. U. S. v. 1 Box of Butter. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32872. Sample no. 70609-A.)

A sample of butter taken from the shipment involved in this case was found to contain rodent hairs, human hairs, mold, and other extraneous matter.

On June 7, 1934, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of one box of butter at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about May 28, 1934, by Sponsler Bros., from Everett, Pa., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On July 16, 1934, 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.

M. L. WILSON, *Acting Secretary of Agriculture.*

22810. Adulteration of butter. U. S. v. 1 Tub of Butter. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32873. Sample no. 69645-A.)

A sample of butter taken from the shipment involved in this case was found to contain filth, such as larvae, cow hairs, and mold.

On May 23, 1934, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of one tub of butter at New York, N. Y., alleging that the article had been shipped in interstate