

State of Pennsylvania into the State of Tennessee, of a quantity of coloring matter to be used in the manufacture of confectionery, designated as New Leaf Green Color and Coal Tar Color, which was adulterated and misbranded. The product was labeled: "Quaker Brand New Leaf Green Color Coal Tar Color. Henry H. Ottens Mfg. Co., Philadelphia. Guaranteed Non Poisonous Colors. Bakers and Confectioners Specialties. We guarantee coloring matter in this container to be of the group of seven colors mentioned in F. I. D. 76. The Henry H. Ottens Mfg. Co."

Analysis of a sample of the product by the Bureau of Chemistry of this Department showed the following results:

Naphthol Yellow S (Schultz & Julius No. 4) (per cent).....	41.26
Martius Yellow (Schultz & Julius No. 3) (per cent).....	.17
Light Green S F Yellowish (S & J No. 435) as Certified Light Green SF Yellowish Lot No. 142) (per cent).....	36.05
No other coloring matters present.	
Arsenic as As ₂ O ₃ (parts per million).....	34.0

Adulteration of the product was alleged in the information for the reason that it contained a certain poisonous color, to wit, Martius Yellow. Misbranding was alleged for the reason that said article of confectionery was labeled and branded so as to deceive and mislead the purchaser thereof, in that the tin box containing the article of confectionery bore a label upon which were prominently displayed the words "Quaker Brand New Leaf Green Color Coal Tar Color, Guaranteed Non Poisonous Colors, The Henry H. Ottens Mfg. Co., Philadelphia, Pa.," which said label and representations thereon contained were calculated to lead the purchaser of the article to believe that it did not contain a poisonous color, whereas, in truth and in fact, it did contain a poisonous color, to wit, Martius Yellow.

On December 8, 1913, the defendant company entered a plea of non vult contendere to the information, and the court imposed a fine of \$50 and costs.

B. T. GALLOWAY, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *February 9, 1914.*

2861. Adulteration and misbranding of olive oil. U. S. v. Two cases of olive oil. Decree of condemnation by default. Product ordered sold. (F. & D. No. 4022. S. No. 1397.)

On May 22, 1912, the United States Attorney for the District of Massachusetts, 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 two cases of olive oil remaining unsold in the original unbroken packages at Boston, Mass., alleging that the product had been shipped by Manganelli Milone & Co., New York, N. Y., and transported from the State of New York into the State of Massachusetts, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled: "Qualita Superiore Tripoli e Italiana Olio Pure Garantito Sotto Qualsiasi Analisi Chimica—Guaranteed Under the Pure Food and Drugs Act, June 30, 1906. Garantito Sotto La Legge Del 30 Giugno 1906."

Adulteration of the product was alleged in the libel for the reason that a substance, to wit, cottonseed oil, had been mixed and packed therewith, thus reducing its quality and strength. Misbranding was alleged for the reason that the product was labeled as set forth above, which statement was false and misleading in that it would deceive and mislead the purchaser to believe that the food was manufactured in Tripoli and Italy, whereas, in truth and in fact, it was made in the United States of America.

On November 5, 1912, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered and it was ordered that the product should be sold by the United States marshal after branding it "Olive Oil and Cottonseed Oil."

B. T. GALLOWAY, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *February 9, 1914.*