

4962. Misbranding of oil. U. S. * * * v. 6 Cases * * * and 2 Cases * * * of Oil. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 7346, I. S. No. 2550-I. S. No. E-592.)

On April 24, 1916, the United State 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 for the seizure and condemnation of 6 cases, each containing 12 quarter-gallon tins, and 2 cases, each containing 12 half-gallon tins, of oil, remaining unsold in the original unbroken packages at Newark, N. J., alleging that the article had been shipped, on or about January 28, 1916, by Anna Heller, trading under the name of the Venice Importing Co., New York, N. Y., and transported from the State of New York into the State of New Jersey, and charging misbranding in violation of the Food and Drugs Act. The article was labeled, in part: "A compound. Tripolitania Brand."

Misbranding of the article was alleged in the libel for the reason that it was labeled and branded so as to deceive and mislead the purchaser as to the quantity contained in the cans, they being labeled, "Net contents full $\frac{1}{4}$ gallon", and "Net contents full $\frac{1}{2}$ gallon," respectively, whereas, in fact and in truth, the said tins contained a less amount than $\frac{1}{4}$ gallon and $\frac{1}{2}$ gallon, respectively. Misbranding was alleged for the further reason that the oil was contained in cans in package form, and the quantity of the contents of each package was not plainly, correctly, and conspicuously marked on the outside of the packages in terms of weight, measure, and numerical count, nor [in] any other manner.

On June 6, 1916, the said Anna Heller, claimant, having consented to a decree, judgment of condemnation and forfeiture was entered, and, it appearing that said claimant had filed a bond in the sum of \$300, in conformity with section 10 of the act, and had paid the costs of the proceedings, it was ordered by the court that the product should be released and delivered to said claimant.

CARL VROOMAN, *Acting Secretary of Agriculture.*