

5706. Adulteration and misbranding of olive oil. U. S. * * * v. 8 Cases * * * of * * * Olive Oil. Default decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 7862. I. S. No. 1062-m. S. No. E-751.)

On November 20, 1916, the United States attorney for the Western District of Pennsylvania, 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 eight cases of olive oil, consigned by the Italian Importing Co., Elizabeth, N. J., remaining unsold in the original unbroken packages at Derry, Pa., alleging that the article had been shipped and transported from the State of New Jersey into the State of Pennsylvania, and was received at Derry, Pa., on or about October 12, 1916, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part, "Finest quality Olive Oil Extra Pure of Termini, Imerese, Italy, Sicilia, Italia. $\frac{1}{2}$ gal. net. Guaranteed absolutely pure."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of cottonseed oil which had been mixed and packed with and substituted for olive oil.

Misbranding was alleged in substance for the reason that the article was an imitation of, and was offered for sale under the distinctive name of, another article, to wit, olive oil, when, in fact, it was not, but consisted in whole or in part of cottonseed oil which had been mixed and packed with and substituted for olive oil; for the further reason that it was in package form and failed to bear a statement of the quantity of the contents; and for the further reason that the cans contained less than the quantity indicated on the label.

On August 24, 1917, P. Battaglia Bros., Derry, Pa., having filed a claim for the product, so much of the default decree of condemnation and forfeiture theretofore entered, as ordered the destruction of the product, was revoked, and it was ordered by the court that the product should be released to said claimants upon payment of the costs of the proceedings and execution of a bond in the sum of \$500 (this bond also covers the release of 23 boxes of macaroni, F. & D. No. 7894, N. J. No. 5714), in conformity with section 10 of the act.

C. F. MARVIN, *Acting Secretary of Agriculture.*