

6538. Adulteration and misbranding of olive oil. U. S. * * * v. 63 Quarter-Gallon and 8 Gallon Cans Olive Oil. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 8947. I. S. Nos. 19857-p, 19858-p, 19859-p, 19860-p. S. No. C-865.)

On April 5, 1918, the United States attorney for the Northern District of Ohio, 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 63 quarter-gallon and 8 gallon cans of olive oil, at Cleveland, Ohio, alleging that the article had been shipped on or about November 22, 1917, by Courmalis & Co., New York, N. Y., and transported from the State of New York into the State of Ohio, and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that cottonseed oil had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength.

Misbranding of the article was alleged for the reason that the statements borne on the labels and cans, to wit, "Olive oil" and "Olio Puro D'Oliiva," were false and misleading in that they indicated that the contents of the cans was pure olive oil, whereas, in truth and in fact, it contained a large percentage of cottonseed oil, and the purchaser was deceived and misled. Misbranding of the article was alleged for the further reason that it was an imitation of, and was offered for sale under the distinctive name of, another article, to wit, olive oil, which name was false and misleading in that it was calculated, designed, and devised to deceive the purchaser by leading him and inducing him to believe that the cans contained pure olive oil, when, in truth and in fact, they contained a large percentage of cottonseed oil. Misbranding of the article was alleged for the further reason that it purported to be a foreign product when in fact it was a product of domestic manufacture, packed in the United States; and for the further reason that it was labeled, "Full Quarter Gallon" and "One Gallon Net," respectively, whereas examination of the sample of the first quarter-gallon size cans showed approximately 8 per cent, from first gallon size cans showed approximately 4.1 per cent, second quarter-gallon size cans showed approximately 3.6 per cent, and second gallon size cans showed approximately 1 per cent shortage from declared contents. Misbranding of the article was alleged for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages, in terms of weight, measure, or numerical count.

On April 26, 1918, Antonia Grassi, Cleveland, Ohio, claimant, having filed an answer confessing the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be delivered to said claimant upon the payment of the costs of the proceedings and execution of a bond in the sum of \$500, in conformity with section 10 of the act.

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