

ordered by the court that the product should be released to said claimant upon the payment of the costs of the proceedings and the execution of a bond in the sum of \$300, in conformity with section 10 of the act.

J. R. Riggs, *Acting Secretary of Agriculture.*

6758. Adulteration of tomato pulp. U. S. * * * v. 946 Cans of Tomato Pulp. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 9131. I. S. No. 1983-p. S. No. E-1065.)

On July 6, 1918, the United States attorney for the Western District of New York, 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 946 cans, each containing 5 gallons of tomato pulp, remaining unsold in the original unbroken packages at Albion, N. Y., alleging that the article had been shipped on or about June 27, 1918, by the Phillips Packing Co., Cambridge, Md., and transported from the State of Maryland into the State of New York, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a decomposed vegetable substance.

On July 23, 1918, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

J. R. Riggs, *Acting Secretary of Agriculture.*

6759. Adulteration and misbranding of olive oil. U. S. * * * v. 31 One-gallon Cans, 8 One-half Gallon Cans, and 35 Quarter-gallon Cans of Olive Oil. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 9133. I. S. No. 9776-p. S. No. C-929.)

On July 9, 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 31 one-gallon cans, 8 one-half gallon cans, and 35 quarter-gallon cans of olive oil at Cleveland, Ohio, alleging that the article had been shipped on or about May 27, 1918, by Nicholas Cosentino, Detroit, Mich., and transported from the State of Michigan into the State of Ohio, 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," and "1 Gallon Net," " $\frac{1}{2}$ Gallon Net," and " $\frac{1}{4}$ Gallon Net," as the case may be.

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, and had been substituted in part for the article, thereby lowering its quality, strength, and value.

Misbranding of the article was alleged for the reason that the statement, to wit, "Olive Oil," was false and misleading, and deceived and misled the purchaser, in that it indicated that the cans contained olive oil, when, in truth and in fact, cottonseed oil had been substituted in part for the article; and 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. Misbranding of the article was alleged for the further reason that the labels indicated that they contained "1 Gallon Net," " $\frac{1}{2}$ Gallon Net," and " $\frac{1}{4}$ Gallon Net," when, in truth and in fact, there was a shortage from the declared contents of 2.2 per cent, 6.5 per cent, and 5.9 per cent, respectively, in each size can; and 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 package in terms of weight, measure, or numerical count.

On September 20, 1918, the Leonard F. Gaglione Retail Grocery, Cleveland, Ohio, claimant, having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be released to said claimant upon the payment of the costs of the proceedings and the execution of a bond in the sum of \$300, in conformity with section 10 of the act.

J. R. Riggs, *Acting Secretary of Agriculture.*

6760. Adulteration and misbranding of olive oil. U. S. * * * v. 5 One-gallon Cans of Olive Oil. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 9134. I. S. No. 9775-p. S. No. C-928.)

On July 10, 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 5 one-gallon cans of olive oil at Cleveland, Ohio, alleging that the article had been shipped on or about November 24, 1917, by Courumalis & 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. The article was labeled in part, "Finest Quality Olive Oil Extra Pure * * * 1 Gallon Net."

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, and had been substituted in part for olive oil, which the article purported to be.

Misbranding of the article was alleged for the reason that the statement, to wit, "Olive Oil," was false and misleading, and deceived and misled the purchaser, in that such statement indicated that the cans contained olive oil, when, in truth and in fact, cottonseed oil had been substituted in part for the article; and 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; and for the further reason that the labels indicated that each of the cans contained one gallon net, when, in truth and in fact, there was a shortage from the declared contents of 3.36 per cent. 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 package in terms of weight, measure, or numerical count.

On November 30, 1918, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

J. R. Riggs, *Acting Secretary of Agriculture.*

6761. Adulteration of frozen egg yolks. U. S. * * * v. 500 Cans * * * and 541 Cans of Frozen Egg Yolks. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 9136. I. S. Nos. 3034-3035-p. S. No. E-1069.)

On July 11, 1918, the United States attorney for the Eastern 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 500 cans and 541 cans of frozen egg yolks, consigned by W. G. Howard & Co., Chicago, Ill., remaining unsold in the original unbroken packages at Philadelphia, Pa., alleging that the article had been shipped on or