

Adulteration of the article in each shipment was alleged in the information for the reason that a substance, to wit, cottonseed oil, had been mixed and packed therewith, so as to lower and reduce 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 in one of the shipments on November 28, 1917, was alleged for the reason that the statements, to wit, "Finest Quality Olive Oil Extra Pure," of Termini Imerese Italy, "Sicilia—Italia," "1 Gallon Net," "Guaranteed Absolutely Pure," borne on the cans containing the article, regarding it and the ingredients and substances contained therein, were false and misleading in that they represented that the article was pure olive oil, that it was a foreign product, to wit, an olive oil produced at Sicily, in the kingdom of Italy, and that it contained one gallon net of the article, whereas, in truth and in fact, it was not pure olive oil and was not a foreign product, to wit, an olive oil produced at Sicily, in the kingdom of Italy, and did not contain one gallon net of the article, but was a mixture composed in part of cottonseed oil and was a domestic product, to wit, a product manufactured in the United States of America, and contained less than one gallon net of the article.

Misbranding of the article in the other shipment on November 28, 1917, and in the shipment on July 7, 1917, was alleged for the reason that the statements, to wit, "Olio Puro D'Oлива * * * Lucca Italy," "Olio Puro D'Oлива Garantito Produzione Propria," and "Net Contents Full Gallon," on the first shipment, and "Net Contents Quarter Gallon," on the second shipment, borne on the cans containing the article, regarding it and the ingredients and substances contained therein, were false and misleading, in that they represented that the article was pure olive oil, that it was a foreign product, to wit, olive oil produced at Lucca, in the kingdom of Italy, and that the said cans contained one full gallon net or one full quarter gallon net of the article, as the case may be, whereas, in truth and in fact, it was not pure olive oil and was not a foreign product, to wit, an olive oil produced at Lucca, in the kingdom of Italy, and said cans did not contain one full gallon net or one full quarter gallon net of the article, as the case may be, but was a mixture composed in part of cottonseed oil and was a domestic product, to wit, a product manufactured in the United States of America and contained less than one full gallon net of the article or one full quarter gallon net of the article, as the case may be.

On February 25, 1919, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$160.

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

6820. Adulteration and misbranding of olive oil. U. S. * * * v. 120 Gallons and 96 Half Gallons of Olive Oil. Default decree of condemnation, forfeiture, and sale. (F. & D. No. 9324. I. S. Nos. 18429-18430-r. S. No. E-1116.)

On November 8, 1918, the United States attorney for the Southern District of Florida, 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 120 gallons and 96 half gallons of olive oil, consigned by M. Campolieti, New York, N. Y., remaining unsold in the original unbroken packages at Tampa, Fla., alleging that the article had been shipped on or about June 15, 1918, and transported from the State of New York into the State of Florida, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part, "First Pressing Cream Olive Oil Vergine * * * made from the finest selected olives grown on the Italian Riviera."

Adulteration of the article was alleged in the libel for the reason that a substance, to wit, cottonseed oil, had been mixed and packed therewith and substituted wholly or in part for olive oil, which the article purported to be.

Misbranding of the article was alleged for the reason that it was labeled "Olive Oil," whereas the product contained and consisted almost entirely of cottonseed oil mixed with a small percentage of olive oil, and that the statement that the product was olive oil was false and misleading and deceived and misled the purchaser; 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, that the same consisted almost wholly of cottonseed oil, and was offered for sale under the distinctive name of olive oil; and for the further reason that it purported to be a foreign product, to wit, a product made from the finest selected olives grown on the Italian Riviera, when in fact it was a product of domestic manufacture. Misbranding of the article was alleged for the further reason that it was labeled "One Gallon Full Measure," "One Half Gallon Full Measure," whereas the cans contained smaller amounts, and the contents of said packages were not truly and correctly stated on the outside thereof in terms of weight, measure, or numerical count.

On January 15, 1919, 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 relabeled as cottonseed oil and sold at public auction by the United States marshal, conditioned that the purchaser thereof should give a bond in the sum of \$200, conditioned that the property would not be disposed of in violation of any State or Federal law.

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

6821. Adulteration of eggs. U. S. * * * v. 5 Cases of Eggs. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 9325. I. S. No. 2081-r. S. No. W-242.)

On or about August 19, 1918, the United States attorney for the District of Colorado, 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 cases of eggs, consigned by J. J. Falkenstein, Pfeifer, Kansas, remaining unsold in the original unbroken packages at Denver, Colo., alleging that the article had been shipped on or about August 13, 1918, and transported from the State of Kansas into the State of Colorado, 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 animal substance.

On October 21, 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.

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

6822. Adulteration and misbranding of saccharin. U. S. * * * v. One Can * * * of Saccharin. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 9326. I. S. No. 6262-r. S. No. C-975.)

On September 24, 1918, the United States attorney for the Southern District of Texas, 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 one can, containing five pounds of saccharin, at Galveston, Texas, alleging that the article had been shipped on or about August 15, 1918,