

6864. Adulteration and misbranding of oat middlings. U. S. * * * v. 550 Bags of Oats Middlings. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No 9215. I. S. No. 2314-r. S. No. W-237.)

On August 8, 1918, the United States attorney for the Western District of Washington, 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 550 bags of oat middlings, consigned on or about June 12, 1918, and June 29, 1918, by the Bozeman Milling Co., Bozeman, Mont., remaining unsold in the original unbroken packages at Kent, Wash., alleging that the article had been shipped and transported from the State of Montana into the State of Washington, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled "90 lbs. Oat Mdgs." and was invoiced as "Oat Middlings."

Adulteration of the article was alleged in the libel for the reason that a product, consisting largely of oat hulls, had been mixed and packed therewith, so as to reduce, lower, and injuriously affect its quality, and had been substituted in part for oat middlings, which the article purported to be.

Misbranding of the article was alleged for the reason that it was an imitation of, and was offered for sale under the distinctive name of, another article, to wit, oat middlings.

On August 12, 1918, the said Bozeman Milling Co., 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 \$700, in conformity with section 10 of the act, conditioned in part that the product should be relabeled under the direction and supervision of a representative of this department. The sacks were subsequently stenciled "Oat Offal," and the words "Oat Mdgs." obliterated.

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

6865. Adulteration and misbranding of olive oil. U. S. * * * v. 48 Gallons of Olive Oil. Default decree of condemnation, forfeiture, and sale. (F. & D. No 9216. I. S. No. 13711-r. S. No. E-1083.)

On August 7, 1918, the United States attorney for the District of Connecticut, 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 48 gallons of olive oil, remaining unsold in the original unbroken packages at New Haven, Conn., alleging that the article had been shipped on or about July 6, 1918, by N. P. Economou, New York, N. Y., and transported from the State of New York into the State of Connecticut, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part, "Olio Puro D'Oлива Lucca Tipo Italy." The shipment was made by N. P. Economou & Theodos.

Adulteration of the article was alleged in the libel for the reason that a certain substance, to wit, 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 borne on the labels of the cans, to wit, "Olio Puro D'Oлива," was intended to be of such a character as to induce the purchaser to believe that the product was olive oil, when, in truth and in fact, it was not; and for the further reason that it purported to be a foreign product, when, in truth and in fact,

it was a product of domestic manufacture, packed in the United States; and for the further reason that it was an imitation of, and 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 bore the words, to wit, "Full Gallon," whereas there was a shortage in each purported full gallon; 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 December 5, 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 sold at private sale by the United States marshal.

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

6866. Adulteration and misbranding of olive oil. U. S. * * * v. 24 Gallons of Olive Oil. Default decree of condemnation, forfeiture, and sale. (F. & D. No. 9217. I. S. No. 13707-r. S. No. E-1084.)

On August 6, 1918, the United States attorney for the District of Connecticut, 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 24 gallons of olive oil, remaining unsold in the original unbroken packages at South Norwalk, Conn., alleging that the article had been shipped, on or about February 14, 1918, by Emilio & Campolieti, New York, N. Y., and transported from the State of New York into the State of Connecticut, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended.

Adulteration of the article was alleged in the libel for the reason that there had been mixed and packed with the product, cottonseed oil, 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 label bore the words, to wit, "Finest Quality Olive Oil Extra Pure Termini Imerese Sicilia-Italia," which statements and words were intended to be of such a character as to induce the purchaser to believe that the product was olive oil, when, in truth and in fact, it was not; and for the further reason that it purported to be a foreign product, when, in truth and in fact, it was a product of domestic manufacture, packed in the United States; 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 bore the words, " $\frac{1}{2}$ Gallon," and " $\frac{1}{4}$ Gallon," respectively, whereas there was a shortage in each purported one-half gallon can, and one-fourth gallon can. 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 September 13, 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 sold by the United States marshal at private sale.

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