

6997. Adulteration and misbranding of olive oil. U. S. * * * v. 47 Gallons of Olive Oil (so called). Default decree of condemnation, forfeiture, and sale. (F. & D. No. 9533. I. S. No. 13736-r. S. No. E-1180.)

On December 10, 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 47 gallons of olive oil, so called, remaining unsold in the original unbroken packages at New Haven, Conn., alleging that the article had been shipped on or about November 14, 1918, by G. P. Papadopoulos, 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 il Toscano Brand Lucca-Style."

Adulteration of the article was alleged in substance in the libel for the reason that there had been mixed and packed therewith cottonseed oil and corn oil so as to reduce and lower and injuriously affect its quality and strength, and for the further reason that cottonseed oil and corn oil had been substituted almost wholly for olive oil, which the article purported to be.

Misbranding of the article was alleged for the reason that the labels bore certain statements regarding the article which were false and misleading, that is to say, the labels bore certain statements regarding the article, to wit, "Olio il Toscano Brand Lucca-Style," which statements and words were intended to be of such a character as to induce the purchaser to believe that the product was pure olive oil, when, in truth and in fact, it was not, and the words "Cottonseed Salad Oil Slightly Flavored with Olive Oil," in small type, did not correct said false impression; and for the further reason that the article purported to be a foreign product, when, in truth and fact, it was not, but was a product of domestic manufacture packed in the United States. 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; 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; and for the further reason that it was labeled "Net Contents Full One Gallon," whereas examination showed a shortage.

On February 19, 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 sold by the United States marshal.

E. D. BALL, *Acting Secretary of Agriculture.*

6998. Adulteration of walnut pulp. U. S. * * * v. 2 Cases of Walnut Pulp. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 9534. I. S. No. 15638-r. S. No. E-1182.)

On December 12, 1918, the United States attorney for the District of Maryland, 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 2 cases of walnut pulp, consigned on November 9, 1918, remaining unsold in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped by Birdsong Brothers, New York, N. Y., and transported from the State of New York into the State of Maryland 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 whole or in part of a filthy, decomposed, and putrid vegetable and animal substance.

On January 6, 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 destroyed by the United States marshal.

E. D. BALL, *Acting Secretary of Agriculture.*

6999. Adulteration of olives. U. S. * * * v. 7 Cases of Olives. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 11666. I. S. No. 8393-r. S. No. C-1599.)

On November 24, 1919, 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 7 cases of olives, at Cleveland, O., alleging that the article had been shipped on or about February 10, 1919, by the Curtis Olive Corporation, Chicago, Ill., and transported from the State of Illinois into the State of Ohio, and charging adulteration in violation of the Food and Drugs Act.

The article was labeled as follows: (On case) "Supreme Curtis Quality California Ripe Olives Packed by Curtis Corporation, Long Beach, California, Los Angeles Harbor Curtis Quality Ripe Olives Mammoth." (Stenciled in upper right-hand corner) "GX 2602." (On glass containers) "Mammoth Supreme Curtis Quality Curtis Olive Corporation Los Angeles, U. S. A. California Ripe Olives Net Weight of fruit 16 oz. Avd." (On metal cap) "GX 2602."

Examination of samples of the article by the Bureau of Chemistry of this department showed that of the 11 jars examined the contents of 6 were sterile and 5 were nonsterile, showing growth either in aerobic or anaerobic (or both) cultures. Of the 5 nonsterile containers 1 contained *Bacillus botulinus*. The contents of this container also proved toxic on feeding to guinea pigs, besides yielding a virulent culture of the organism.

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid vegetable substance.

On December 3, 1919, the said Curtis Corporation, 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 \$100, in conformity with section 10 of the act.

E. D. BALL, *Acting Secretary of Agriculture.*

7000. Adulteration of condensed milk. U. S. * * * v. 795 Cases of Condensed Milk. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 9537. I. S. No. 14334-r. S. No. E-1185.)

On December 16, 1918, the United States attorney for the District of New Jersey, 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 795 cases, each containing 48 cans of condensed milk, at Newark, N. J., alleging that the article had been shipped on or about March 23, 1918, and transported from the State of New York into the State of New Jersey, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part, "Value Brand Sweetened Condensed Skimmed Milk Manufactured by the Sullivan Condensed Milk Co., Sullivan, Wis."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance.