

condemnation of 21 1-gallon cans of table oil, remaining unsold in the original unbroken packages at Carnegie, Pa., alleging that the article had been shipped on January 28, 1919, by D. Spiropulos and J. Theodore, New York, N. Y., and transported from the State of New York into the State of Pennsylvania, and charging adulteration and misbranding. The article was labeled in part, "Finest Quality Table Oil. Insuperabile Termini Imerese Type * * * cottonseed oil slightly flavored with olive oil." (Picture on label showing olives picked from olive tree.)

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

Misbranding of the article was alleged for the reason that the statements, designs, and devices borne on the labels, not corrected by the statement in inconspicuous type "cottonseed oil slightly flavored with olive oil," were false and misleading and deceived and mislead the purchaser, in that they conveyed the impression that the article was olive oil, when it was not, and for the further reason that it was an imitation of, and was offered for sale under the distinctive name of, another article, and for the further reason that it purported to be a foreign product, when not so; and for the further reason that it was labeled "Net Contents 1 Gallon," whereas examination showed the quantity of the contents to be incorrectly stated.

On August 18, 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 properly labeled under the supervision of a representative of this department, and should be sold at public auction by the United States marshal.

E. D. BALL,

Acting Secretary of Agriculture.

7139. Misbranding of olive oil. U. S. * * * v. 21 Cases and 14 Half-gallon Cans and 46 Quart Cans of Olive Oil. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. Nos. 9779, 9824, 9825. I. S. Nos. 2571-r, 2572-r. S. No. W-283.)

On or about March 6, 1919, 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 21 cases and 14 half-gallon cans and 46 quart cans of olive oil, consigned by R. Gerber & Co., Chicago, Ill., remaining unsold in the original unbroken packages at Trinidad, Colo., alleging that the article had been shipped on or about October 25, 1917, and December 26, 1917, and transported from the State of Illinois into the State of Colorado, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part, "Ottimo Brand Virgin Olive Oil."

Misbranding of the article was alleged for the reason that it was food in package form, and the quantity of the contents was not stated in terms of measure correctly on the outside of the cans. Misbranding of the article was alleged for the further reason that on each and every can the measure of the contents thereof was falsely overstated; that on each gallon can it was stated to contain "1 Gal. Net," when, in fact, said cans did not contain 1 gallon net, but every one of said cans contained less than a gallon net, to wit, about 3.05 per cent less than a gallon; that on each half-gallon can it was stated that it contained " $\frac{1}{2}$ Gal. Net," when, in fact, the said cans did not contain $\frac{1}{2}$ gallon net, but each and every one of said half-gallon cans contained less than $\frac{1}{2}$ gallon net, to wit, about 5 per cent less than $\frac{1}{2}$ gallon net; that on each