

7230. Misbranding of olive oil. U. S. * * * v. 44 Cans of Olive Oil. Default decree of condemnation, forfeiture, and sale. (F. & D. No. 10005. I. S. No. 2677-r. S. No. W-296.)

On April 8, 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 44 cans of olive oil, consigned by Deligiannis Bros., Chicago, Ill., remaining unsold in the original unbroken packages at Denver, Colo., alleging that the article had been shipped on or about March 18, 1919, 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, "Pure Olive Oil Universal Brand Deligiannis Bros., Chicago, U. S. A. Contents 2 Quarts."

Misbranding of the article was alleged for the reason that it was food in package form, and the quantity of the contents was not plainly, conspicuously, and correctly marked on the outside of the package in terms of weight or measure, and for the further reason that the label bore the mark "2 Quarts," whereas the contents of each can was about 8 per cent less than 2 quarts.

On May 26, 1919, no claimant having appeared for the property, judgment of condemnation was entered, and it was ordered by the court that the product should be labeled to show the correct and actual measure of the contents thereof and sold either at public or private sale by the United States marshal.

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

7231. Adulteration and misbranding of extract of ginger. U. S. * * * v. 4 Gross and 1 Dozen Bottles of a Product Purporting to be Extract of Ginger. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 10006. I. S. No. 12803-r. S. No. E-1285.)

On April 7, 1919, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel of information praying the seizure and condemnation of 4 gross and 1 dozen bottles of a product purporting to be extract of ginger, at North Adams, Mass., consigned on or about September 10, 1918, alleging that the article had been shipped by the Boyce Extract Co., New York, N. Y., and transported from the State of New York into the State of Massachusetts, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part, "Extract of Ginger 20% Alcohol * * * Boyce Ext. Co. Inc. New York."

Adulteration of the article was alleged in the libel of information for the reason that it was sold under and by a name recognized in the United States Pharmacopœia and differed from the standard of strength, quality, and purity as determined by the tests laid down therein in that its strength and purity fell below the professed standard and quality under which it was sold, and for the further reason that a substance deficient in ginger and containing less alcohol than claimed had been mixed and packed with, and substituted wholly or in part for, the article, and for the further reason that it was artificially colored in a manner whereby its inferiority was concealed.

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, extract of ginger, and for the further reason that the bottles failed to bear statements on the labels of the quantity or proportion of alcohol contained therein, and for the further reason that the statement, to wit, "Extract of Ginger," was false and misleading and deceived and mislead the purchaser. Misbranding of the article was alleged for the further reason that it was food in package form, and the quantity of its contents was not set forth on the labels.