

7647. Adulteration and misbranding of olive oil. U. S. * * * v. 17 Cans * * * of a Product Purporting to be Olive Oil. Default decree of condemnation, forfeiture, and sale. (F. & D. No. 9835. I. S. Nos. 7901-r, 7902-r. S. No. C-1089.)

On March 5, 1919, the United States attorney for the District of Indiana, 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 17 cans, each containing 1 gallon of a product purporting to be olive oil, remaining unsold in the original unbroken packages at Indianapolis, Ind., alleging that the article had been shipped on or about February 1, 1919, by the Union Olive Oil Co., New York, N. Y., and transported from the State of New York into the State of Indiana, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part, "Finest Quality Table Oil Insuperabile (picture of olive tree and natives gathering and packing olives) Termini Imerese Type Net Contents 1 gallon," and in inconspicuous type "Cottonseed oil slightly flavored with olive oil," and "Olio Sopraffino Qualita Superiore Olio Finissimo," and in very inconspicuous type "Cottonseed and," and in larger type "Olive Oil," and "A Compound Tripoll-tania Brand Net Contents Full Gallon" (picture of coat of arms, medals, and crowns).

Adulteration of the article was alleged in the libel for the reason that cottonseed oil had been mixed and packed with the article 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 in substance for the reason that said article was labeled and branded as aforesaid so as to deceive and mislead the purchaser thereof into the belief that the product in each of said cans was pure olive oil, when, in fact, said product was an imitation of pure olive oil, and was offered for sale under the distinctive name of another article. Misbranding of the article was alleged for the further reason that said cans were labeled and branded as aforesaid so as to purport it to be a foreign product, when, in fact, said article was not a foreign product. Further misbranding was alleged for the reason that said article was food in package form, and the quantity of the contents of said product in each of said cans was not then and there plainly and correctly stated on the outside of the package in terms of weight or measure.

On January 2, 1920, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be sold by the United States marshal.

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

7648. Adulteration and misbranding of olive oil. U. S. * * * v. 29 Cases of Alleged Olive Oil. Consent decree of condemnation and forfeiture. Product ordered released under bond. (F. & D. No. 9945. I. S. Nos. 6731-r, 8816-r. S. No. C-1122.)

On March 25, 1919, the United States attorney for the Northern District of Illinois, 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 29 cases of alleged olive oil, consigned by B. G. Makris, New York, N. Y., remaining unsold in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped on September 17, 1918, and transported from the State of New York into the State of Illinois, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part, "Finest Quality Table Oil (picture of olive tree and natives gathering and packing olives) Tipo Termini Imerese Sicilia Italia One Gallon Net Guaranteed Absolutely Pure."