

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."

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 the statements borne on the cans, to wit, "Finest Quality Table Oil (picture of olive tree and natives gathering and packing olives)," "Tipo Termini Imerese Sicilia Italia," "One Gallon Net," and "Guaranteed Absolutely Pure," were false and misleading in that they represented that the article consisted of genuine olive oil, whereas, in truth and in fact, said article consisted in part of cottonseed oil. Misbranding was alleged for the further reason that the statements above quoted, together with the designs and devices appearing upon the labels, conveyed the impression that said article was a foreign product, whereas said article was a product of domestic manufacture. Misbranding was alleged for the further reason that the article was an imitation of, and was offered for sale under the distinctive name of, another article, to wit, genuine olive oil. Misbranding of the article was alleged for the further reason that it was food in package form, and the quantity of the contents of each of the said cans was not plainly and conspicuously marked on the outside of the package in terms of weight or measure.

On July 3, 1919, Paul Lopresti, Chicago, Ill., claimant, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be delivered to said claimant upon the payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act, conditioned in part that the product should be labeled under the supervision of a representative of this department.

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

7649. Adulteration and misbranding of oil of sweet birch. U. S. * * * v. Edward E. Dickinson (E. E. Dickinson & Co.). Plea of guilty. Fine, \$300. (F. & D. No. 10864. I. S. Nos. 13609-r, 13716-r, 8628-p.)

On December 2, 1919, 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 an information against Edward E. Dickinson, trading as E. E. Dickinson & Co., Essex, Conn., alleging shipment on or about July 29, 1918, August 3, 1918, and July 8, 1918, by said defendant, in violation of the Food and Drugs Act, from the State of Connecticut into the States of Michigan and New York, of consignments of an article, labeled in part "Oil Betula Lenta, U. S. P.," "Dickinson's Oil Betula Lenta (Sweet Birch) E. E. Dickinson & Co. Distillers * * *," "Oil of Betula. (Betula Lenta.) (Oil of Sweet Birch.) (Sometimes Called Oil of Wintergreen.)," and "Dickinson's Oil Betula Lenta Sweet Birch E. E. Dickinson & Co. Distillers * * *," which was adulterated and misbranded.

Analysis of a sample of the product made in the Bureau of Chemistry of this department showed it to contain synthetic methyl salicylate.

Adulteration was alleged in the information for the reason that the shipments of July 8, 1918, and of July 29, 1918, were sold under and by a name recognized in the United States Pharmacopœia, and the article differed from the standard prescribed in the said Pharmacopœia, and its own standard was not then and there stated upon the container. Adulteration was alleged for the further reason that the strength and purity of the said article fell below the professed standard and quality under which it was sold, and that a substance, to wit, synthetic methyl salicylate, had been mixed and packed with the article so as