

On December 22, 1921, 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 destroyed by the United States marshal. The marshal was further directed to sell the containers of the said product if he should find it to the advantage of the Government to do so.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10168. Adulteration of frozen mixed eggs. U. S. * * * v. 125 Cases of Frozen Mixed Eggs. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 15374. I. S. No. 10846-t. S. No. W-936.)

On September 16, 1921, 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 125 cases of frozen mixed eggs, remaining unsold in the original unbroken packages at Denver, Colo., consigned by Swift & Co., Wichita, Kans., alleging that the article had been shipped from Wichita, Kans., July 9, 1921, and transported from the State of Kansas into the State of Colorado, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Cans) "Sanitary Eggs. 30 Pounds Net Swift & Company, General Offices Chicago, U. S. A."

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

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C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10169. Misbranding of olive oil. U. S. * * * v. 112 Pint Cans, et al., of Olive Oil. Consent decrees of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 15554, 15622. I. S. Nos. 11175-t, 13876-t, 13877-t, 13878-t, 13879-t, 13880-t, 13881-t, 13882-t, 13883-t. S. Nos. W-1030, W-1032.)

On or about November 22, 1921, 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 libels for the seizure and condemnation of 237 half-pint cans, 449 pint cans, 147 quart cans, 59 half-gallon cans, and 42 gallon cans of olive oil, remaining unsold in the original unbroken packages at Trinidad and Denver, Colo., respectively, consigned by the Old Monk Olive Oil Co., Chicago, Ill., alleging that the article had been shipped on or about September 3, 13, and 23 and October 5 and 18, 1921, respectively, 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: (Cans) "* * * Old Monk Olive Oil. * * * Old Monk Olive Oil Co., New York, Chicago, Nice."

Misbranding of the article was alleged in substance in the libels for the reason that the statements, to wit, "Net Contents One Half-Pint," "Net Contents One Pint," "Net Contents One Quart," "Net Contents One Half-Gallon," and "Net Contents One Gallon," borne on the respective cans containing the said article, were false and misleading and deceived and misled the purchaser in that the net contents of each of the said cans were less than one half-pint, one pint, one quart, one half-gallon, and one gallon, respectively. Misbranding was alleged for the further reason that the said article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On December 22, 1921, the Old Monk Olive Oil Co., Chicago, Ill., claimant, having admitted the allegations of the libels and having consented to the entry of decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to said claimant upon payment of the costs of the proceedings and the execution of bonds in the aggregate sum of \$1,000, in conformity with section 10 of the act.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*