

On November 30, 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.

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

10180. Misbranding of cottonseed cake. U. S. * * * v. Kaufman Cotton Oil Co., a Corporation. Plea of guilty. Fine, \$50. (F. & D. No. 13172. I. S. Nos. 11985-r, 11986-r.)

On August 3, 1921, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Kaufman Cotton Oil Co., a corporation, Kaufman, Tex., alleging shipment by said company, on or about February 11, 1919, in violation of the Food and Drugs Act, as amended, from the State of Texas into the State of Kansas, of a quantity of cottonseed cake which was misbranded.

Misbranding of the article was alleged in the information for the reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On January 9, 1922, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

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

10181. Adulteration and misbranding of olive oil. U. S. * * * v. 29 Gallon Cans of Olive Oil * * *, et al. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 13950, 13951, 13952, 13953. I. S. Nos. 6457-t, 6458-t, 6459-t, 6460-t, 6461-t. S. Nos. E-2884, E-2885, E-2886, E-2887.)

On February 7, 1921, the United States attorney for the District of New Jersey, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 40 gallon cans and 163 quart cans of olive oil, remaining in the original unbroken packages at Bayonne, Paterson, and Lodi, N. J., respectively, alleging that one consignment of the article had been shipped by Ventoura & Begani, New York, N. Y., on or about September 14, 1920, and that two consignments had been made by Poletti, Coda & Rebecchi, New York, N. Y., on or about September 15 and 20 and October 2, 1920, respectively, and that the article had been transported from the State of New York into the State of New Jersey, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended.

Adulteration of the article was alleged in the libels for the reason that substances, to wit, cottonseed oil and soya bean oil, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and strength and had been substituted in whole or in part for olive oil, which the said article purported to be.

Misbranding was alleged for the reason that the statements labeled on the cans containing the said article, regarding the ingredients contained therein, to wit, "Olio La Viva Italia Brand * * * Superior In Quality, Purity, Economy & Flavor To Olive Oil Fine Edible Salad Oil Blended With Pure Olive Oil A Compound—Packed In New York Net Contents 1 Gallon" (or "1 Quart") "Ventoura & Begani * * *," were false and misleading in that the words "Olio La Viva Italia Brand" and "Olive Oil" on the said labels were in large prominent type, whereas the words "Superior in Quality, Purity, Economy & Flavor To" and "Fine Edible Salad Oil Blended With Olive Oil A Compound—Packed In New York Net Contents 1 Gallon" (or "1 Quart") were in small inconspicuous type, thereby constituting a design or device that was misleading to the purchaser. Misbranding was alleged for the further reason that the article was a product composed of cottonseed oil and soya bean oil prepared in imitation of, and offered for sale under the distinctive name of, another article, to wit, pure olive oil. Misbranding was alleged in substance for the further reason that the article was [food] in package form, and the quantity of the contents was not plainly or correctly and conspicuously stated in terms of weight or measure in that the net contents of the said cans were stated on the said labels as one gallon and one quart, respectively, whereas, in truth and in fact, the average contents of the said cans were less than one gallon and one quart, respectively.

On January 19, 1922, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

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