

as amended. The article was labeled in part: "Net Contents  $\frac{1}{4}$  Gallon \* \* \* Pure Olive Oil Olio D'Oliiva Puro Vittoria Brand \* \* \* Lyriotakis Bros., Importers & Packers New York \* \* \*"

Misbranding of the article was alleged in the libel 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, since the quantity stated thereon was greater than the actual contents of the package.

On January 19, 1922, 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.*

**10187. Adulteration of canned cherries. U. S. \* \* \* v. 129 Cases \* \* \* of Canned Cherries. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 15077. I. S. No. 538-t. S. No. C-3083.)**

On June 23, 1921, the United States attorney for the Southern District of Ohio, 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 129 cases of canned cherries, remaining unsold in the original cases at Steubenville, Ohio, consigned by the South Haven Preserving Co., Gobleville, Mich., August 9, 1919, alleging that the article had been shipped from Gobleville, Mich., and transported from the State of Michigan into the State of Ohio, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Can) "South Haven Brand Pitted Cherries \* \* \* South Haven Preserving Co., Factories: South Haven & Gobleville, Mich."

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of a filthy, decomposed vegetable substance.

On December 10, 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.*

**10188. Misbranding of crab meat. U. S. \* \* \* v. Washington L. Tull and W. Edwin Riffin (W. L. Tull & Bro.). Pleas of nolo contendere. Fine, \$10 and costs. (F. & D. No. 15429. I. S. No. 6661-t.)**

On November\* 28, 1921, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Washington L. Tull and W. Edwin Riffin, trading as W. L. Tull & Bro., Crisfield, Md., alleging shipment by said defendants, on or about May 25, 1921, in violation of the Food and Drugs Act, as amended, from the State of Maryland into the State of New York, of a quantity of crab meat which was misbranded.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "Contents 5 Lbs. Net," borne on the cans containing the article, regarding the article, was false and misleading in that it represented that each of the said cans contained 5 pounds net of the said article, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of the said cans contained 5 pounds net of the article, whereas, in truth and in fact, each of the said cans did not contain 5 pounds net of the said article but did contain a less amount. Misbranding was alleged for the further reason that the 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 November 28, 1921, the defendants entered pleas of nolo contendere to the information, and the court imposed a fine of \$10 and costs.

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

**10189. Adulteration of coriander seed. U. S. \* \* \* v. 4 Sacks \* \* \* of Coriander Seed. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 15688. I. S. No. 1239-t. S. No. C-3343.)**

On December 2, 1921, the United States attorney for the Eastern District of Missouri, 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 4 sacks of coriander seed, remaining unsold in the original

unbroken packages at St. Louis, Mo., alleging that the article had been shipped from Indianapolis, Ind., on or about November 15, 1921, and transported from the State of Indiana into the State of Missouri, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part, "From Steinwender Stoffregen Coffee Co."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in large part of a filthy and decomposed vegetable substance.

On January 3, 1922, 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.*

**10190. Adulteration and misbranding of olive oil. U. S. \* \* \* v. 2 Cases of Olive Oil. Default decree of condemnation, forfeiture, and sale. (F. & D. No. 8904. I. S. Nos. 2676-p, 2677-p, 2678-p. S. No. E-1003.)**

On March 25, 1918, the United States attorney for the District of Rhode Island, 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 2 cases of olive oil, remaining unsold in the original unbroken packages at Providence, R. I., consigned by R. Emilo & M. Campolieti, New York, N. Y., alleging that the article had been shipped from New York, N. Y., on or about January 30, 1918, and transported from the State of New York into the State of Rhode Island, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. One case of the article was labeled in part, (can) "Olio Puro D'Oliiva Lucca Italy Net Contents Full Quarter Gallon Olio Puro D'Oliiva Garantito Produzione Propria." The remaining case of the article was labeled in part, (can) "Finest Quality Olive Oil Extra Pure Termini Imerese Sicilia-Italia  $\frac{1}{2}$  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 therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted in part for olive oil.

Misbranding was alleged in substance for the reason that the above-quoted statements "Olive Oil" and "Olio Puro D'Oliiva," respectively, were false and misleading and deceived and misled the purchaser; 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, olive oil; 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 in terms of weight, measure, or numerical count; and for the further reason that the said article purported to be a foreign product, when in fact it was a product of domestic manufacture, packed in the United States.

On March 31, 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 relabeled to show the same to be cottonseed oil and the quantity of the contents of each can to be 1 pint, 13 fluid ounces, and that it be sold by the United States marshal.

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

**10191. Adulteration and misbranding of evaporated milk. U. S. \* \* \* v. Van Camp Packing Co., a Corporation. Plea of guilty. Fine, \$100 and costs. (F. & D. No. 9243. I. S. No. 3720-m.)**

On December 9, 1918, the United States attorney for the Eastern District of Michigan, 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 Van Camp Packing Co., a corporation, having a place of business at Adrian, Mich., alleging shipment by said company, under the name of the Van Camp Products Co., in violation of the Food and Drugs Act, on or about June 23, 1916, from the State of Michigan into the State of Massachusetts, of a quantity of evaporated milk which was adulterated and misbranded. The article was labeled in part: "Van Camp's Sterilized Evaporated Milk \* \* \* The Van Camp Packing Co. Indianapolis, Ind."

Adulteration of the article was alleged in the information for the reason that an insufficiently condensed milk product, low in fat, had been substituted in whole or in part for evaporated milk, which the said article purported to be.