

11555. Adulteration of olives. U. S. v. 1 Cask of Olives. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 16891. I. S. No. 94-v. S. No. E-4202.)

On October 27, 1922, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 1 cask of olives at Silver Lake, N. J., alleging that the article had been shipped by Alphonse Chester, New York, N. Y., on or about June 29, 1922, and transported from the State of New York into the State of New Jersey, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Jose Gomez Claro, Olive Grower and Exporter, Seville, Spain."

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

On June 28, 1923, 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.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11556. Adulteration of shell eggs. U. S. v. William S. Davis. Plea of guilty. Fine, \$15 and costs. (F. & D. No. 17074. I. S. Nos. 2501-v, 2506-v.)

On June 26, 1923, 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 William S. Davis, Pittsville, Md., alleging shipment by said defendant, in violation of the Food and Drugs Act, in two consignments, namely, on or about July 17 and 24, 1922, respectively, from the State of Maryland into the State of Pennsylvania, of quantities of shell eggs which were adulterated.

Examination by the Bureau of Chemistry of this department of five cases taken from the two consignments showed that the said cases contained 2.7, 3.8, 5.0, 8.8, and 13.3 per cent of inedible eggs, consisting of black rots, mixed or white rots, spots, and blood rings.

Adulteration of the article was alleged in the information for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance.

On June 26, 1923, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$15 and costs.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11557. Misbranding of olive oil. U. S. v. 12 1-Gallon Cans of Olive Oil. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 17212. I. S. No. 240-v. S. No. E-4277.)

On or about January 16, 1923, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 12 1-gallon cans of olive oil at Paterson, N. J., alleging that the article had been shipped by B. J. Spiropoulos, New York, N. Y., on or about November 13, 1922, and transported from the State of New York into the State of New Jersey, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Cans) "Imported Pure Olive Oil * * * d'Oliva Importato Marca Irredenta Net Contents 1 Gal."

Misbranding of the article was alleged in the libel for the reason that the package or label bore a statement, design, or device regarding the article or the ingredients or substances contained therein, as follows, "1 Gal.," which was false and misleading and deceived and misled the purchaser. 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, since the statement made was not correct.

On June 28, 1923, 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.

HOWARD M. GORE, *Acting Secretary of Agriculture.*