

Caserta Importing Co., from New York, N. Y., on or about July 13, 1921, and transported from the State of New York into the State of Pennsylvania, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Cans) "Finest Quality Table Oil \* \* \* Tipo Termini Imerese," (in small type) "Cottonseed Oil Slightly Flavored With Olive Oil."

Adulteration of the article was alleged in the libel for the reason that cottonseed oil had been mixed and packed with and substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statement appearing on the label of the can containing the article, to wit, "Finest Quality Table Oil \* \* \* Tipo Termini Imerese," together with a cut of scene showing olive tree and olive pickers, were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the statement on the said label, "1 Gallon Net," was false and misleading and deceived and misled the purchaser, since the said cans did not contain 1 gallon of the article but did contain less than 1 gallon. Misbranding was alleged for the further reason that the article was an imitation of and offered for sale under the distinctive name of another article, and for the further 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 June 19, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the labels on the said cans be obliterated and the product sold by the United States marshal.

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

**11569. Misbranding of cottonseed meal. U. S. v. United Oil Mills, a Corporation. Plea of guilty. Fine, \$25 and costs. (F. & D. No. 15847. I. S. No. 13402-t.)**

On May 2, 1922, the United States attorney for the Western District of Arkansas, 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 United Oil Mills, a corporation, trading at Ashdown, Ark., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about October 27, 1920, from the State of Arkansas into the State of Kansas, of a quantity of cottonseed meal which was misbranded. The article was labeled in part: "Good Luck Brand \* \* \* Cotton Seed Meal \* \* \* 100 Pounds."

Examination of 40 sacks of the product by the Bureau of Chemistry of this department showed that the average net weight of the said sacks was 86.4 pounds.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "100 Pounds," borne on the tags attached to the sacks containing the article, regarding the quantity of the article contained in each of the said sacks, was false and misleading in that the said statement represented that each of said sacks contained 100 pounds of the article, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of the said sacks contained 100 pounds of the article, whereas, in truth and in fact, each of said sacks did not contain 100 pounds of the article but did contain a less quantity. 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 stated quantity, to wit, "100 Pounds," was not plain and represented more than the actual contents of the package.

On May 16, 1923, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25 and costs.

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

**11570. Adulteration of shell eggs. U. S. v. Lonzo Caldemeyer (Elkhart Poultry & Egg Co.). Plea of guilty. Fine, \$10 and costs. (F. & D. No. 16011. I. S. No. 10843-t.)**

On April 11, 1922, the United States attorney for the District of Kansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Lonzo Caldemeyer, trading as the Elkhart Poultry & Egg Co., Hugoton, Kans., alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about July 29, 1921, from the State of Kansas into the State of Colorado, of a quantity of shell