

11695. Adulteration and misbranding of oil. U. S. v. 60 Cartons of Oil. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 16742. I. S. No. 7114-t. S. No. E-4074.)

On July 21, 1922, the United States attorney for the District of Connecticut, 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 60 cartons of oil, remaining unsold in the original unbroken packages at New Haven, Conn., alleging that the article had been shipped by B. Mayer, New York, N. Y., on or about July 11, 1922, and transported from the State of New York into the State of Connecticut, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Can) "High Grade Oil Medaglia D'Oro Brand * * * Vegetable Salad Oil More Practical Than Olive Oil Oil A Compound Contents 1 Gallon Packed By B. Mayer, New York."

Adulteration of the article was alleged in the libel for the reason that oil other than olive oil had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the label bore a statement, design, or device regarding the article or the ingredients or substances contained therein, as follows, "High Grade Oil Medaglia D'Oro Brand * * * Re d'Italia * * * Contents 1 Gallon Packed By B. Mayer, New York," together with design of medal apparently of foreign origin, also design showing Italian soldier on horseback in foreground, and conventional design of olive branches with background showing Italian scene, which statements, designs, and devices were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the said labels bore the statement, "Contents 1 Gallon," which was false and misleading and deceived and misled the purchaser, since the statement was not correct. 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, for the further reason that it was an imitation of or offered for sale under the distinctive name of another article, for the further reason that it purported to be a foreign product when, in truth and in fact, it was of domestic manufacture, and for the further reason that it was falsely branded as to the State in which it was manufactured or produced.

On October 16, 1922, Benjamin Mayer, New York, N. Y., claimant, having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$250, in conformity with section 10 of the act, conditioned that it be relabeled in part as follows, "Corn Oil (Made in America) Contents: 3 Qt., 1 Pt., 12 Ozs. Distributed by B. Mayer New York," with similar statements in Italian.

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

11696. Adulteration and misbranding of tomato catsup. U. S. v. 18 Cases of Tomato Catsup. Consent decree of condemnation, forfeiture, and destruction. (F. & D. No. 16793. S. No. E-4138.)

On September 5, 1922, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel of information praying the seizure and condemnation of 18 cases of tomato catsup, remaining in the original unbroken packages at Boston, Mass., alleging that the article had been shipped by the Paul DeLaney Co., Brocton, N. Y., on or about May 26, 1922, and transported from the State of New York into the State of Massachusetts, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Bottle) "Delco Brand Tomato Catsup * * * Packed By The Paul DeLaney Co. Inc. Brocton, N. Y."

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.

Misbranding was alleged for the reason that the statement on the label affixed to the bottles containing the article, regarding the said article and the ingredients and substances contained therein, to wit, "Tomato Catsup Made From Whole Ripe Tomatoes, Spices, Grain Vinegar, Salt, Sugar and Onions," not corrected by the statement appearing on the said label in an incon-