

Misbranding of the said olive oil was alleged for the reason that the statements, to wit, "Pure Olive Oil," "Olio Puro D'Oliiva," and "Lucca, Italy," borne on the cans containing the article, and the statements "Net Contents One Half Gallon" or "Net Contents One Full Gallon," as the case might be, borne on the cans containing a portion of the said article, were false and misleading, in that they represented that the article was olive oil, that it was a foreign product, to wit, a product produced in Lucca, Italy, and that the cans containing the said portion contained 1 gallon or one-half gallon of the article, as the case might be, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was olive oil, that it was a foreign product, and that the cans containing the said portion contained 1 gallon or one-half gallon of the article, as the case might be, whereas it was not olive oil but was a product composed in whole or in part of cottonseed oil, it was not a foreign product but was a domestic product produced in the United States of America, and the cans containing the said portion contained less of the product than declared on the labels. Misbranding was alleged for the further reason that it was a product composed in whole or in part of cottonseed oil prepared in imitation of and offered for sale under the distinctive name of another article, to wit, olive oil, and for the further reason that the statements borne on the labels purported the article to be a foreign product when not so.

Misbranding of the salad oil was alleged for the reason that the statements, to wit, "Flavored With High Grade Genuine Olive Oil" and "Net Contents 1 Gallon," borne on the cans containing the article, were false and misleading, in that they represented that the article was a product flavored with high grade genuine olive oil, and that each of the said cans contained 1 gallon net thereof, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was a product flavored with high grade genuine olive oil, and that each of the said cans contained 1 gallon net thereof, whereas it was not a product flavored with high grade genuine olive oil but was a product which contained no flavor of olive oil, and each of said cans did not contain 1 gallon net of the article but did contain a less amount.

Misbranding was alleged with respect to both products for the further reason that they were food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages.

On June 15, 1925, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$100.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13504. Adulteration of chestnuts. U. S. v. 38 Barrels of Chestnuts. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 19421. I. S. No. 4902-v. S. No. C-4597.)**

On December 23, 1924, the United States attorney for the Northern 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 praying the seizure and condemnation of 38 barrels of chestnuts, remaining in the original unbroken packages at Youngstown, Ohio, alleging that the article had been shipped by the Italian Importing Co., New York, N. Y., on or about October 22, 1924, and transported from the State of New York into the State of Ohio, and charging adulteration in violation of the food and drugs act.

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

On May 2, 1925, 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.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13505. Adulteration and misbranding of canned tuna. U. S. v. 9 Cases of Tuna. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 19931. I. S. No. 14381-v. S. No. E-5198.)**

On March 28, 1925, 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 praying the seizure and condemnation of 9 cases of tuna, remaining in the original unbroken packages

at Greenfield, Mass., alleging that the article had been shipped by M. De Bruyn Importing Co., from New York, N. Y., December 6, 1924, 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: "California Tuna Standard All Light Meat."

Adulteration of the article was alleged in the libel for the reason that a substance, fish other than tuna, had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength and had been substituted wholly and in part for the said article.

Misbranding was alleged for the reason that the statement "Tuna Standard All Light Meat," borne on the labels, was false and misleading and deceived and misled the purchaser, and for the further reason that the article was offered for sale under the distinctive name of another article.

On June 8, 1925, 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.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13506. Misbranding and alleged adulteration of canned tuna fish. U. S. v. 24½ Cases, et al, of Tuna Fish. Default decree, adjudging product misbranded and ordering its destruction. (F. & D. Nos. 19960, 19961. I. S. Nos. 14737-v. 14738-v. S. No. C-4698.)**

On or about April 2, 1925, the United States attorney for the Eastern District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 49 cases of tuna fish, at Johnson City, Tenn., alleging that the article had been shipped by the M. De Bruyn Importing Co., from New York, N. Y., on or about February 19, 1925, and transported from the State of New York into the State of Tennessee, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Selected Quality \* \* \* California Tuna \* \* \* All Light Meat."

It was alleged in the libels that the article was adulterated, in that a substance, yellowtail, had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality and strength and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statement "California Tuna Standard All Light Meat," borne on the labels, was false and misleading and deceived and misled the purchaser, and for the further reason that it was offered for sale under the distinctive name of another article.

On May 25, 1925, no claimant having appeared for the property, judgments of the court were entered, finding the product misbranded and ordering that it be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13507. Adulteration and misbranding of malt sirup. U. S. v. 40 Cases of Malt Sirup. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 14868. I. S. No. 5951-t. S. No. E-3363.)**

On May 17, 1921, the United States attorney for the Western District of New York, 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 40 cases, each containing a number of cans, of malt sirup, remaining in the original unbroken packages at Jamestown, N. Y., alleging that the article had been shipped by the Michigan Malted Milk Co., from Jackson, Mich., August 23, 1920, and transported from the State of Michigan into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Can) "2½ Lbs. Net Weight, Michi-Gander Brand Malt Syrup \* \* \* Michigan Malted Milk Co., Jackson, Mich."

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

Misbranding was alleged for the reason that the net weight of the contents of the said cans was not correctly marked on the outside thereof.

On October 29, 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.

R. W. DUNLAP, *Acting Secretary of Agriculture.*