

Adulteration of the article was alleged in the libels for the reason that cottonseed oil had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength and had been substituted in part for the said article.

Misbranding was alleged for the reason that the statements, "Pure Italian Olive Oil Cav. Rocco Pace & Figli Ortona A Mare (Italy) Products Of Italy This Oil Is Our Own Production And Is Guaranteed To Be Pure Under Any Chemical Analysis. It Is Used For \* \* \* Medicinal Use" (last statement also in Italian), together with a cut showing a castle, other cuts showing olive sprays bearing olives, and the statements "Contents One Full Gallon" or "Contents One Quart," as the case might be, borne on the said labels, were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was falsely branded as to the country in which it was manufactured, in that the label stated that it was manufactured in Italy, whereas it was not manufactured in Italy, for the further reason that it purported to be a foreign product when not so, for the further reason that it was 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 January 12, 1926, the cases having been consolidated into one cause of action and Albert Pace, of Pace & Sons, Providence, R. I., claimant, having admitted the allegations of the libels, 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 \$1,000, in conformity with section 10 of the act, conditioned in part that it be properly labeled under the supervision of this department.

C. F. MARVIN, *Acting Secretary of Agriculture.*

**14170. Adulteration and misbranding of butter. U. S. v. 10 Tubs of Butter. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 20980. I. S. No. 6240-x. S. No. E-5674.)**

On March 10, 1926, the United States attorney for the Eastern District of Pennsylvania, 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 10 tubs of butter, remaining in the original unbroken packages at Philadelphia, Pa., consigned by the Robinson Cooperative Creamery, Springfield, Tenn., alleging that the article had been shipped from Springfield, Tenn., on or about March 2, 1926, and transported from the State of Tennessee into the State of Pennsylvania, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Tub) "Butter Robinson Co. Co-op. Creamery Butter Springfield, Tenn."

Adulteration of the article was alleged in the libel for the reason that a substance containing less than 80 per cent of butterfat had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength and had been substituted wholly or in part for the said article. Adulteration was alleged for the further reason that a valuable constituent of the article, butterfat, had been wholly or in part abstracted.

Misbranding was alleged for the reason that the article was an imitation of or offered for sale under the distinctive name of another article.

On March 24, 1926, A. F. Bickley & Son, Philadelphia, Pa., having appeared as claimant for the property, 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 \$300, in conformity with section 10 of the act, the terms of said bond requiring that the product be reconditioned in accordance with the ruling of this department.

C. F. MARVIN, *Acting Secretary of Agriculture.*

**14171. Adulteration and misbranding of jellies. U. S. v. 3 Cases of Apple Mint Jellies, et al. Consent decree of condemnation and forfeiture. Products released under bond. (F. & D. No. 20614. I. S. Nos. 180-x to 185-x, incl. S. No. W-1815.)**

On November 14, 1925, the United States attorney for the District of Oregon, 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 14 cases of various jellies, remaining in the original unbroken packages at Portland, Oreg., alleging that the articles had been shipped by Hoffman & Greenlea, from San Francisco, Calif., on or about January 22, 1925, and transported from the State of California into the State of Oregon, and charging adulteration and misbranding in violation of the food and drugs act. The articles were labeled in part: (Jar) "Preferred Stock Brand Jelly \* \* \* Apple Mint" (or "Strawberry" or "Raspberry" or other fruit flavors).

Adulteration of the articles was alleged in substance in the libel for the reason that substances, pectin and fruit jellies, had been mixed and packed with the assorted jellies, and pectin and fruit jellies with added tartaric acid had been mixed and packed with the remaining jellies, so as to reduce, lower, or injuriously affect their quality and strength and in that said substances had been substituted wholly or in part for normal jellies of good commercial quality.

Misbranding was alleged for the reason that the statements, "Raspberry" (or "Apple Mint," "Strawberry" or other fruit, as the case might be) "Jelly," borne on the labels, were false and misleading and deceived and misled the purchaser, and for the further reason that the articles were imitations of and offered for sale under the distinctive names of other articles.

On March 17, 1926, the Shaw Family, Inc., a California Corporation, having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the products be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$50, conditioned in part that they not be sold or otherwise disposed of until relabeled in a manner satisfactory to this department.

C. F. MARVIN, *Acting Secretary of Agriculture.*

**14172. Adulteration and misbranding of jellies. U. S. v. 21 Cases of Assorted Jellies, et al. Consent decree of condemnation and forfeiture. Products released under bond. (F. & D. No. 20725. I. S. Nos. 952-x to 971-x, incl. S. No. W-1832.)**

On December 18, 1925, the United States attorney for the District of Oregon, 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 cases of various jellies, remaining in the original unbroken packages at Portland, Oreg., alleging that the articles had been shipped by Hoffman & Greenlea, from San Francisco, Calif., on or about October 1, 1925, and transported from the State of California into the State of Oregon, and charging adulteration and misbranding in violation of the food and drugs act. The articles were labeled in part: (Jar) "Preferred Stock Brand Jelly," and were further labeled, "Currant," "Quince," "Blackberry," "Strawberry," "Loganberry," "Crabapple," "Raspberry," "Plum," "Grape," or "Apple Mint Flavor," as the case might be, and "Artificially Colored and Flavored."

Adulteration was alleged in the libel with respect to all the jellies with the exception of the strawberry jelly for the reason that pectin and tartaric acid had been mixed and packed therewith so as to reduce, lower, or injuriously affect their quality and strength and had been substituted wholly or in part for normal jellies of good commercial quality.

Adulteration was alleged with respect to the strawberry jelly for the reason that a substance, pectin and fruit jelly, 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 normal jelly of good commercial quality.

Misbranding was alleged for the reason that the statement, "Currant," or other fruit, as the case might be, borne on the labels, was false and misleading and deceived and misled the purchaser, and for the further reason that the articles were offered for sale under the distinctive names of other articles.

On March 17, 1926, the Shaw Family, Inc., a California corporation, having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the products be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$300, conditioned in part that they not be sold or otherwise disposed of until relabeled in a manner satisfactory to this department.

C. F. MARVIN, *Acting Secretary of Agriculture.*