

**15432. Adulteration of cheese. U. S. v. 20 Boxes of Cheese. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 22053. I. S. Nos. 14279-x, 14280-x. S. No. 91.)**

On September 10, 1927, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 20 boxes of cheese, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by the E. H. Fisher Co., from Random Lake, Wis., August 23, 1927, and transported from the State of Wisconsin into the State of Illinois, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated, in that a substance, excessive moisture, 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.

On November 12, 1927, 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.

W. M. JARDINE, *Secretary of Agriculture.*

**15433. Adulteration and misbranding of olive oil. U. S. v. Albert Pace (Pace & Sons). Plea of guilty. Fine, \$7 and costs. (F. & D. No. 19755. I. S. Nos. 6085-x, 6086-x.)**

On June 7, 1926, the United States attorney for the District of Rhode Island, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Albert Pace, trading as Pace & Sons, Providence, R. I., alleging shipment by said defendant, in violation of the food and drugs act as amended, on or about August 7, 1925, from the State of Rhode Island into the State of Pennsylvania, of quantities of olive oil which was adulterated and misbranded. The article was labeled in part: (Cans) "Pure Italian Olive Oil Cav. Rocco Pace & Figli Ortona a Mare (Italy) Contents One Half Gallon (or "Contents One Full Gallon") Products of Italy \* \* \* This oil is our own production and is guaranteed to be pure under any chemical analysis. It is used for cooking and medicinal use."

Adulteration of the article was alleged in the information for the reason that a substance, to wit, cottonseed oil, had been mixed and packed therewith so as to lower, reduce, and injuriously affect its quality and strength, and had been substituted in large part for pure olive oil, which the said article purported to be. Adulteration was alleged for the further reason that the article was sold under and by a name recognized in the United States Pharmacopoeia, and differed from the standard of strength, quality, and purity as determined by the test laid down in said pharmacopoeia official at the time of investigation, in that it was a mixture composed in large part of oil obtained from cottonseed, whereas said pharmacopoeia provides that olive oil shall be obtained from the ripe fruit of *Olea europaea*, L. and the standard of strength, quality, and purity of the article was not declared on the container thereof.

Misbranding was alleged for the reason that the statements, to wit, "Pure Italian Olive Oil," "Ortona a Mare (Italy)," "Products of Italy," "This oil is our own production and is guaranteed to be pure under any chemical analysis," borne on the cans containing the article, together with the statement "Contents One Full Gallon," borne on the cans containing a portion of the said article, were false and misleading in that the said statements represented that the article was pure olive oil, that it was a foreign product, to wit, an olive oil produced in Italy, and that the cans containing the said portion contained 1 full gallon 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 pure olive oil, that it was a foreign product, and that each of the cans containing the said portion contained 1 full gallon thereof, whereas it was not pure olive oil, but was a product composed in large part of cottonseed oil, it was not a foreign product, but was a domestic product, to wit, an article composed in large part of cottonseed oil produced in the United States of America, and each of the cans containing the said portion contained less than 1 full gallon of the article. Misbranding was alleged for the further reason that the article was composed in large part of cottonseed oil prepared in imitation of olive oil, and was offered for sale and sold under the distinctive name of another article, to wit,

olive oil; for the further reason that it was falsely branded as to the country in which it was manufactured in that it was branded as an olive oil manufactured and produced at Ortona a Mare, Italy, whereas it was an article manufactured and produced in the United States of America; and for the further reason that the statements, to wit, "Italian Olive Oil," "Ortona a Mare (Italy)," and "Products of Italy," borne on the can labels, purported the article to be a foreign product when not so. Misbranding was alleged with respect to a portion of the product 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 October 7, 1927, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$7 and costs.

W. M. JARDINE, *Secretary of Agriculture.*

**15434. Adulteration and misbranding of imitation lemon flavor. U. S. v. 42 Dozen Jugs of Imitation Lemon Flavor. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 21701. I. S. Nos. 12884-x, 12896-x. S. No. W-2099.)**

On March 3, 1927, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 42 dozen jugs of imitation lemon flavor, remaining in the original unbroken packages at Everett, Wash., alleging that the article had been shipped by the Blackstone Manufacturing Co., from Newark, N. J., September 1, 1926, and transported from the State of New Jersey into the State of Washington, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Jug) "Blackstone's Best Brand Imitation Lemon Flavor Composed of Oil of Lemon Terpeneless, Glycerin, Citric Acid, Citral, Terpeneless Lemon Extract, Harmless Artificial Color and Water. Blackstone Manufacturing Co. Newark, N. J. Contents 3 Fluid Oz."

It was alleged in the libel that the article was adulterated, in that a substance containing no ingredient or combination of ingredients that would produce the stated flavor, had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statements, "Best Brand Imitation Lemon Flavor Composed of Oil of Lemon Terpeneless, \* \* \* Citric Acid, Citral, Terpeneless Lemon Extract \* \* \* Contents 3 Fluid Oz.," were false and misleading and deceived and misled the purchaser, and for the further reason that the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On November 5, 1927, 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.

W. M. JARDINE, *Secretary of Agriculture.*

**15435. Adulteration of chestnuts. U. S. v. 67 Barrels and 22 Barrels of Chestnuts. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 22117. I. S. No. 20937-x. S. No. 155.)**

On October 25 and November 3, 1927, respectively, the United States attorney for the Southern 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 libels praying seizure and condemnation of 89 barrels of chestnuts, at New York, N. Y., alleging that the article had been shipped in foreign commerce into the State of New York, and charging adulteration in violation of the food and drugs act.

Adulteration was alleged in the libels for the reason that the article consisted in whole or in part of a filthy, decomposed, or putrid substance, to wit, decomposed and moldy nuts.

On November 12, 1927, the two cases having been consolidated into one cause of action, and Alfred Rocca, New York, N. Y., claimant, having admitted the allegations of the libels 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 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 \$1,068, conditioned in part that the nuts be sorted and the bad portion destroyed or denatured.

W. M. JARDINE, *Secretary of Agriculture.*