

United States Department of Agriculture

FOOD, DRUG, AND INSECTICIDE ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the food and drugs act]

15701-15750

[Approved by the Acting Secretary of Agriculture, Washington, D. C., February 14, 1929]

15701. Adulteration and misbranding of olive oil. U. S. v. 11 Cans, et al, of Olive Oil. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 22651. I. S. Nos. 21045-x to 21048-x, incl S. No. 690.)

On March 21, 1928, 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 aforesaid a libel praying seizure and condemnation of 24 gallon cans, 9 half-gallon cans and 25 quart cans of olive oil, remaining in the original unbroken packages at Springfield, Mass., consigned about August 8, 1927, alleging that the article had been shipped by the United Importers, Inc., Providence, R. I., and transported from the State of Rhode Island into the State of Massachusetts, and charging adulteration and misbranding in violation of the food and drugs act as amended.

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

Misbranding was alleged for the reason that the following statements, borne on the labels, were false and misleading and deceived and misled the purchaser: (11 cans gallon size) "Pure Olive Oil * * * This Olive Oil is guaranteed to be absolutely pure * * * Lucca, Italy Contents 1 Gallon;" (13 cans gallon size) "Virgin Pure Olive Oil Lucca, Italy * * * Pure Olive Oil Virgin Oil is made from the best obtainable by ripe olives * * * Net Contents 1 gallon;" (half gallon size) "Pure Olive Oil Extra Fine Quality Italian Product Lucca, Italy This Olive Oil is guaranteed to be absolutely pure * * *;" (quart size) same as half-gallon size, except "Contents One Quart."

Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article and purported to be a foreign product when it was not so, and for the further reason that it was falsely branded as to the country in which it was produced. Misbranding was alleged with respect to all lots except the half-gallon cans for the further reason that it was in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages.

On April 13, 1928, 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.*

15702. Misbranding of cottonseed cake. U. S. v. 520 Sacks of Cottonseed Cake. Product adjudged misbranded and released under bond to be relabeled. (F. & D. No. 22284. I. S. No. 23326-x. S. No. 334.)

On December 16, 1927, the United States attorney for the Eastern District of Oklahoma, 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