

It was alleged in the libels that the article was adulterated in that it consisted in part of a filthy, decomposed, or putrid vegetable substance.

On July 13, 1928, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

15932. Adulteration and misbranding of olive oil. U. S. v. 106 Gallons of Olive Oil. Default decree of condemnation, forfeiture, and sale. (F. & D. No. 22812. I. S. No. 21828-x. S. No. 855.)

On June 8, 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 for said district a libel praying seizure and condemnation of 106 gallons of olive oil, remaining in the original unbroken packages at Pittsfield, Mass., alleging that the article had been shipped by G. Grald, from New York, N. Y., March 3, 1928, 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 acts as amended.

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

Misbranding was alleged for the reason that the label bore the following statements and designs regarding the said article which were false and misleading and deceived and misled the purchaser: "Superfine Olive Oil Imported Italia Brand Lucca Italia Net Contents 1 Gallon First Pressing Cream Olive Oil Recommended highly for table and medicinal use," (designs) cut of olive sprays bearing olives and Italian flag. Misbranding was alleged for the further reason that the article purported to be a foreign product when not so, for the further reason that the statement "Net Contents 1 Gallon" was false and misleading and deceived and misled the purchaser, 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, since the statement was not correct, and for the further reason that the article was offered for sale under the distinctive name of another article.

On July 6, 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 sold by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

15933. Adulteration and misbranding of olive oil. U. S. v. 21 Quart Cans and 10 One-Half Gallon Cans of Olive Oil. Default decree of condemnation, forfeiture, and sale. (F. & D. No. 22791. I. S. Nos. 21715-x, 21716-x. S. No. 824.)

On May 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 for said district a libel praying seizure and condemnation of 21 quart cans and 10 one-half gallon cans of olive oil, remaining in the original unbroken packages at Fall River, Mass., consigned about February 24, 1928, 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 package or label, were false and misleading and deceived and misled the purchaser: "Pure Olive Oil Extra Fine Quality Italian Product Lucca Italy. This oil is guaranteed to be absolutely pure and made from the finest selected olives. This virgin oil * * *;" (similar statements in Italian) "Lucca Bitonto Porto Maurizio Termini Imerese" (use of Italian language). Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article, for the further reason that it purported to be a foreign product when not so, and for the further reason that the package was falsely branded as to the country in which it was manufactured

or prepared. Misbranding was alleged with respect to the quart cans of the product for the further reason that the article was in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was not correct, and for the further reason that the statement "Contents One Quart," borne on the label, was false and misleading and deceived and misled the purchaser.

On July 6, 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 sold by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

15934. Adulteration of grapefruit. U. S. v. 60 Boxes of Grapefruit. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 21842. I. S. No. 16432-x. S. No. E-6092.)

On April 7, 1927, 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 seizure and condemnation of 60 boxes of grapefruit, remaining in the original unbroken packages at Boston, Mass., consigned about March 30, 1927, alleging that the article had been shipped by S. J. Harry, Nashua, Fla., and transported from the State of Florida into the State of Massachusetts, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "St. John's River Oranges and Grapefruit Seminola Grove Brand Grown and Packed by S. J. Harry, Summa, Fla."

Examination of the article by this department showed that it consisted in whole or in part of frost-damaged fruit.

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a decomposed vegetable substance.

On May 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.

ARTHUR M. HYDE, *Secretary of Agriculture.*

15935. Adulteration and misbranding of butter. U. S. v. 6 Tubs of Butter. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 22870. I. S. No. 20152-x. S. No. 893.)

On June 19, 1928, 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 seizure and condemnation of 6 tubs of butter, remaining in the original unbroken packages at Philadelphia, Pa., consigned by the Pikeville Creamery Co., Pikeville, Tenn., alleging that the article had been shipped from Pikeville, Tenn., on or about June 15, 1928, 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.

It was alleged in the libel that the article was adulterated in that a substance containing less than 80 per cent of butterfat 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 its strength.

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 June 29, 1928, Clinton G. Heyd, 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, conditioned in part that it should not be sold or otherwise disposed of contrary to law, and be reconditioned under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

15936. Adulteration and misbranding of butter. U. S. v. 5 Tubs of Butter. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 22877. I. S. No. 20203-x. S. No. 921.)

On June 26, 1928, 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 seizure and condemnation of 5 tubs of butter, remaining in the original unbroken packages at Philadelphia, Pa., consigned by the Hawkins County Creamery, Rogersville,