

5367. Adulteration and misbranding of olive oil. U. S. * * * v. 4 Cases of Olive Oil. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 7877. I. S. Nos. 2974-m, 2975-m. S. No. E-756.)

On November 27, 1916, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 4 cases of olive oil, received on or about November 15, 1916, remaining unsold in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped by the Italian Importing Co., Elizabeth, N. J., and transported from the State of New Jersey into the State of Maryland, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Finest quality Olive Oil Extra Pure * * * $\frac{1}{2}$ Gallon Net" (or " $\frac{1}{2}$ Gallon Net" or "Net Contents Full Gallon").

Adulteration of the article was alleged in the libel for the reason that it consisted of about 75 per cent of cottonseed oil which had been mixed and packed with the article so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted in part for said article.

Misbranding of the article was alleged for the reason that it was labeled and branded so as to deceive and mislead the purchaser; for the further reason that the label contained statements which were false and misleading; for the further reason that the article was an imitation of and offered for sale under the distinctive name of another article, to wit, pure olive oil; and for the further reason that examination of the article showed a shortage of 10 per cent from the marked quantity.

On December 22, 1916, I. Papania, Baltimore, Md., claimant, having entered his appearance and filed an answer, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be released to said claimant upon the payment of the costs of the proceedings and the execution of a bond in the sum of \$100, in conformity with section 10 of the act, conditioned in part that the article should be carefully assorted, and that the portion found free of adulteration might be disposed of for human consumption, and that the portion found to be adulterated should not be disposed of in any manner unless marked, "Mixed with Cotton Seed Oil."

CARL VROOMAN, *Acting Secretary of Agriculture.*