

**5368. Adulteration and misbranding of olive oil. U. S. \* \* \* v. 24 Cans of Olive Oil. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 7878. I. S. No. 3330-m. S. No. E-757.)

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 24 cans of olive oil, 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, the shipment having been received on or about August 12, 1916, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "First pressing Cream Olive Oil Vergine This olive oil is guaranteed to be absolutely pure and is made from the finest selected olives grown on the Italian Riviera. \* \* \*" and "One Quart Full Measure Guaranteed" (in the case of the quart-size cans).

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

Misbranding was alleged for the reason that the article 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 showed a shortage of 11 per cent from the marked quantity.

On January 22, 1917, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

CARL VROOMAN, *Acting Secretary of Agriculture.*