

**5504. Adulteration and alleged misbranding of olive oil. U. S. \* \* \* v. 1 Case \* \* \* of Canned Olive Oil. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 8222. I. S. No. 2144-m. S. No. E-837.)**

On March 30, 1917, the United States attorney for the Western 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 for the seizure and condemnation of 1 case of canned olive oil, remaining unsold in the original unbroken packages at Johnstown, Pa., 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 Pennsylvania, the shipment having been received at Johnstown on or about February 20, 1917, and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted largely of cottonseed oil, which had been mixed and packed with and substituted for olive oil.

Misbranding was alleged in substance for the reason that the article was offered for sale under the distinctive name of olive oil, when, in fact, it was not olive oil, but consisted in whole or in part of cottonseed oil, which had been mixed and packed with and substituted for olive oil; for the further reason that it was an imitation of, and was offered for sale under the distinctive name of, another article, to wit, olive oil; and for the further reason that the article was in package form, and showed a shortage of about 8 per cent from the declared quantity of contents.

On April 17, 1917, Rocco Angelo, Johnstown, Pa., claimant, having admitted the allegations of the libel and consented to a decree, judgment of condemnation and forfeiture was entered, the court finding the product adulterated, and it was ordered that the product should be delivered 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.

*CARL VROOMAN, Acting Secretary of Agriculture.*