

**6497. Adulteration and misbranding of olive oil (so-called). U. S. * * *
v. 5 Cases of Olive Oil (so-called). Consent decree of condemna-
tion and forfeiture. Product ordered released on bond. (F. & D.
No. 8850. I. S. No. 1356-p. S. No. E-988.)**

On March 12, 1918, the United States attorney for the District of Connecticut, 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 5 cases of olive oil (so-called), remaining unsold in the original unbroken packages at Hartford, Conn., alleging that the article had been shipped on or about November 22, 1917, by S. Scaduto, New York, N. Y., and transported from the State of New York into the State of Connecticut, 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 cottonseed oil had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted in part for olive oil, which the article purported to be.

Misbranding of the article was alleged for the reason that the statement borne on the labels was false and misleading, that is to say, said labels bore the following words, "Olive Oil," which statement was intended to be of such a character as to induce the purchaser to believe that the product was olive oil, when, in truth and in fact, it was not; and for the further reason that it purported to be a foreign product, when, in truth and in fact, it was a product of domestic manufacture packed in the United States; and 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 labels bore the words, "¼ Gallon Net," whereas there was a shortage of 4.97 per cent in each ¼-gallon can. Misbranding of the article was alleged for the further reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages in terms of weight, measure, or numerical count.

On May 3, 1918, the said S. Scaduto, claimant, having consented to a decree, 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 \$186, in conformity with section 10 of the act.

J. R. Riggs, *Acting Secretary of Agriculture.*