

6542. Adulteration and misbranding of olive oil. U. S. * * * v. 25 Cases of * * * Olive Oil. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 8957. I. S. No. 1374-p. S. No. E-1021.)

On April 10, 1918, 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 of information praying the seizure and condemnation of 25 cases of a product purporting to be olive oil, consigned on or about March 13, 1918, remaining unsold in the original, unbroken packages, at Franklin, Mass., alleging that the article had been shipped by J. S. Perides, New York, N. Y., 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 Act. The article was labeled in part, "Superfine Pure Olive Oil."

Adulteration of the article was alleged in the libel of information for the reason that it consisted wholly or in part of cottonseed oil which had been mixed and packed with the article so as to reduce and lower and injuriously affect its quality and strength.

Misbranding of the article was alleged in substance for the reason that the statement, "Olive Oil," borne on the labels, was false and misleading in that the product was not olive oil; 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, whereas, in truth and in fact, it was not. Misbranding of the article was alleged for the further reason that by manner of display it led the purchaser to believe that it was a foreign product, when, in truth and in fact, it was a product of domestic manufacture. 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 package in terms of weight, measure, or numerical count.

On May 25, 1918, John S. Perides, claimant, having filed a satisfactory bond in conformity with section 10 of the act, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be delivered to said claimant upon payment of the costs of the proceedings.

C. F. MARVIN, *Acting Secretary of Agriculture.*