

6815. Adulteration and misbranding of olive oil. U. S. * * * v. 16 Cases * * * of Olive Oil. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 9287. I. S. No. 11351-r. S. No. C-968.)

On September 4, 1918, the United States attorney for the Northern District of Ohio, 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 16 cases, each containing 40 quarter-gallon cans of olive oil, at East Liverpool, Ohio, alleging that the article had been shipped on or about July 16, 1918, by M. Campolieti, New York, N. Y., and transported from the State of New York into the State of Ohio, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part, "Finest Quality Olive Oil, Extra Pure * * * Tipo Termini Imerese Italy * * * $\frac{1}{4}$ Gallon Net."

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 and lower and injuriously affect its quality and strength, and had been substituted in part for the article, thereby lowering its quality, strength, and value.

Misbranding of the article was alleged for the reason that the statement, to wit, "Olive Oil," was false and misleading, and deceived and misled the purchaser in that it indicated that the cans contained olive oil, when, in truth and in fact, cottonseed oil had been substituted in part for the article; 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 article, labeled as aforesaid, purported to be a foreign product, when, in truth and in fact, it was a product of domestic manufacture, packed in the United States. Misbranding of the article was alleged for the further reason that the labels indicated that each can contained $\frac{1}{4}$ gallon net, when, in truth and in fact, there was a shortage from the declared contents of 16 per cent in each can; and 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 October 5, 1918, J. De Rose, East Liverpool, Ohio, claimant, having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court 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 \$1,000, in conformity with section 10 of the act.

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

6816. Adulteration and misbranding of olive oil compounded with cottonseed oil. U. S. * * * v. 540 Gallons of Alleged Olive Oil Compounded with Cottonseed Oil. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 9288. I. S. No. 13721-r. S. No. E-1104.)

On September 5, 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 540 gallons of alleged olive oil compounded with cottonseed oil, remaining unsold in the original unbroken packages at New Haven, Conn., alleging that the article had been shipped on or about June 12, July 12, and July 25, 1918, by Angiolillo Bros., 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, as amended. The article was labeled in part, "Olio Sopraffino Qualita Superiore Olio Finissimo Cotton Seed and Olive Oil a Compound Tripolitania" (pictures of coat of arms, medals, and crowns).

Adulteration of the article was alleged in the libel for the reason that corn oil had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, and had been substituted in whole or in part for the product purporting to be olive oil compounded with cottonseed oil.

Misbranding of the article was alleged for the reason that the labels on the cans bore statements regarding the article which were false and misleading, that is to say said labels bore certain designs and statements intended to be of such a character as to induce the purchaser to believe that the product was Italian olive oil, when, in truth and in fact, it was not; and for the further reason that it purported to be of foreign origin, when, in truth and in fact, it was of domestic origin. Misbranding of the article was alleged for the further reason that it was food in package form, and the contents were not stated plainly and correctly on the outside of the package in terms of weight or measure, there being a shortage in each purported gallon, half gallon, and quart of approximately 4.87 per cent.

On October 14, 1918, the said Angiolillo Bros., New York, N. Y., claimants, having consented to a decree, judgment of condemnation and forfeiture was entered and it was ordered by the court that the product should be delivered to said claimants upon the payment of the costs of the proceedings and the execution of a bond in the sum of \$1,250, in conformity with section 10 of the act.

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

6S17. Adulteration and misbranding of olive oil. U. S. * * * v. 25 Cases of Alleged Olive Oil. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 9293. I. S. No. 13331-r. S. No. E-1107.)

On September 7, 1918, 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 25 cases of alleged olive oil, remaining unsold in the original unbroken packages at Monongahela, Pa., alleging that the article had been shipped on or about July 30, 1918, by Lyriotakis Brothers, New York, N. Y., and transported from the State of New York into the State of Pennsylvania, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part, "1 Gallon Net Qualita Superiore Olio Tripolitania Puro Garantito Sotto Qualsiasi Analisi Chimica. Guaranteed under the Pure Food and Drugs Act June 30, 1906. Garantito Sotto La Legge Del 30 Giugno 1906" (design of maps of Italy and Tripoli and picture of queen with flag).

Adulteration of the article was alleged in the libel for the reason that cottonseed oil had been mixed and packed wholly or in part for olive oil.

Misbranding of the article was alleged for the reason that the above-quoted statements, designs, and devices conveyed the impression that the product was alien olive oil, when it was not; and for the further reason that the label deceived and misled the purchaser and the product purported to be a foreign product, when it was not; and for the further reason that the quantity of the contents [of the cans] was not declared.