

Thereupon the jury retired, and after due deliberation returned a verdict finding the product not to have been adulterated.

On May 12, 1919, an order was entered for the release of the catsup to the claimant, in conformity with the verdict of the jury.

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

**6919. Adulteration and misbranding of olives. U. S. \* \* \* v. 1 Case \* \* \* Supreme Quality Curtis California Ripe Olives. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 11664. I. S. No. 8542-r. S. No. C-1594.)**

On November 21, 1919, the United States attorney for the Eastern District of Wisconsin, 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, containing 1 dozen glass containers, of Supreme Quality Curtis California Ripe Olives, remaining unsold in the original unbroken packages at Milwaukee, Wis., alleging that the article had been shipped on or about February 18, 1919, by the Curtis Olive Corporation, Long Beach, Cal., and transported from the State of Illinois into the State of Wisconsin, and charging adulteration and misbranding in violation of the Food and Drugs Act.

The article was labeled as follows: (On case) "Supreme Curtis Quality California Ripe Olives packed by The Curtis Corporation, Long Beach, California (Los. Ang. Harbor). Curtis Quality California Ripe Olives, 12-26 oz. Glass Supreme Quality Mammoth Size Olives." (On glass containers) "Supreme Curtis Quality Curtis Olive Corporation, Los Angeles, U. S. A. California Ripe Olives, Net Weight of fruit 16 oz., Avd. Mammoth Size." (On metal cap) "GX 2602."

Examination of samples of the article by the Bureau of Chemistry of this department showed that guinea pigs fed from three of the bottles died, indicating the presence of toxin due to decomposition of the product by bacteria, later identified as *Bacillus botulinus* Type A.

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid vegetable substance.

Misbranding was alleged for the reason that the labels upon the case and glass containers of the article bore the statement that said article was "Supreme Quality," which said statement was false and misleading in that the food product consisted in whole or in part of a decomposed and putrid vegetable substance.

On December 17, 1919, 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.

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

**6920. Adulteration and misbranding of evaporated milk. U. S. \* \* \* v. 1,000 Cases of \* \* \* Evaporated Milk. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 9276. I. S. Nos. 6125-r, 6126-r. S. No. C-965.)**

On or about August 30, 1918, the United States attorney for the Eastern District of Illinois, 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 1,000 cases of evaporated milk, consigned by the Aviston Flour Co., New Orleans, La., remaining unsold in the original unbroken pack-

ages at Aviston, Ill., alleging that the article had been shipped on or about August 7, 1918, and transported from the State of Louisiana into the State of Illinois, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part, "Our Best Brand Evaporated Milk, Aviston Condensed Milk Co., Aviston, Ill."

Adulteration of the article was alleged in the libel for the reason that partially evaporated milk 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.

Misbranding of the article was alleged in substance for the reason that the statement borne on the labels of the cans, to wit, "Evaporated Milk," was false and misleading and deceived and misled the purchaser. Misbranding of the article was alleged for the further reason that it was an imitation of, and was offered for sale under the distinctive name of, another article, to wit, evaporated milk.

On September 18, 1918, the case having been submitted on the libel and the answer and claim of the Aviston Condensed Milk Co., claimant, 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 \$2000, in conformity with section 10 of the act.

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

**6921. Misbranding of table oil. U. S. \* \* \* v. 264 Gallons of Table Oil. Default decree of condemnation, forfeiture, and sale. (F. & D. No. 9282. I. S. No. 13720-r. S. No. E-1100.)**

On September 9, 1918, the United States attorney for the Middle 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 264 gallons of table oil, remaining unsold in the original unbroken packages at Wilkes-Barre, Pa., alleging that the article had been shipped on or about July 17, 1918, by Crisafulli Bros., New York, N. Y., and transported from the State of New York into the State of Pennsylvania, and charging misbranding in violation of the Food and Drugs Act. The article was labeled: (On cans) "Finest Quality Table Oil La Migliore Insuperabile Corn Salad Oil Compound with Extra Fine Olive Oil, Net Contents Half Gallon, Packed in U. S. A. La Migliore Brand." The cases were labeled in part, "Contains 24½ Gals." The phrase on cans, "Corn Salad Oil Compound with," was printed in inconspicuous type, the phrase "Extra Fine," in much larger type, and the phrase "Olive Oil," in still larger type. The cans were further labeled with a representation of an olive tree and branch with olives.

Misbranding of the article was alleged in the libel for the reason that the labels and representations and the printing of the phrases in different sizes of type, as more particularly set forth above, were false and misleading and were designed to deceive and mislead the purchaser by purporting and representing the said oil to be olive oil, when, in truth and in fact, it was not, but consisted almost entirely of corn oil. Misbranding of the article was alleged for the further reason that it was labeled "Net Contents Half Gallon," whereas, in truth and in fact, the net contents of the said cans was less than a half gallon. Misbranding of the article was alleged for the further reason that it was food in package form, and the contents was not plainly and conspicuously marked on the outside of the packages in terms of weight, measure, or numerical count.