

judgment of condemnation and forfeiture was entered, and it was ordered in effect by the court that the goods might be sorted, 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, conditioned in part that the entire consignment should be examined by a representative of this department, and that all cans of the product found to be fit for human food should be delivered to the claimant and that portion found to be unfit for human food should be destroyed by the United States marshal.

E. D. BALL,
Acting Secretary of Agriculture.

7029. Adulteration and misbranding of olive oil. U. S. * * * v. 31½ Gallons of Alleged Olive Oil. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 9549. I. S. No. 6286-r. S. No. C-1024.)

On December 26, 1918, the United States attorney for the Southern District of Texas, 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 31½ gallons of an article represented to be olive oil, remaining unsold in the original unbroken packages at Galveston, Tex., alleging that the article had been shipped on or about October 2, 1918, by A. J. Barbanera, New York, N. Y., and transported from the State of New York into the State of Texas, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled "Extra Fine Quality Oil D'Annunzio Brand," (in small type) "Corn Oil" and "Style," and "Specialty Lucca Trade Mark Packed by A. J. Barbanera." Instead of "Specialty Lucca" part of the product was labeled "Termini Imerese," and a part "Bitonto." A portion of the cans were also labeled "Net Contents ¼ Gallon," a portion "Net Contents ½ Gallon," and a portion "Net Contents 1 Gallon."

Adulteration of the article was alleged for the reason that it was composed in part of a filthy substance, consisting of rat and mouse excreta and dirt, and for the further reason that cottonseed oil had been mixed and packed therewith so as to reduce or 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 statements borne on the labels as above set forth were false and misleading and deceived and misled the purchaser for the reason that the words in inconspicuous type did not sufficiently correct the impression produced by the remainder of the label; 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. Misbranding of the article was alleged for the further reason that the cans were labeled "One Quarter," "One Half," and "One Gallon," whereas the cans showed an average shortage of 12.5 per cent; and for the further reason that it was food in package form, and the quantity of the contents was not plainly and correctly marked on the outside of the package in terms of weight, measure, or numerical count.

On January 23, 1919, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and on March 25, 1919, it was ordered by the court that the product should be destroyed by the United States marshal.

E. D. BALL,
Acting Secretary of Agriculture.