

7065. Adulteration and misbranding of olive oil. U. S. * * * v. 20 Cases of Alleged Olive Oil. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 9623. I. S. No. 6729-r. S. No. C-1040.)

On January 23, 1919, the United States attorney for the Northern 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 20 cases, each containing 12 1-gallon cans of olive oil, at Chicago, Ill., alleging that the article had been shipped on August 22, 1918, by N. P. Economou & Theodos, New York, N. Y., and transported from the State of New York into the State of Illinois, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part, on the cans, "Finest Quality Table Oil" and "1 Gallon Net," and on the cases, "Pure Olive Oil."

Adulteration of the article was alleged in the libel for the reason that cottonseed oil had been substituted wholly for the article, and for the further reason that it had been substituted in part for the article.

Misbranding of the article was alleged in substance for the reason that the statements, to wit, "Pure Olive Oil," borne on the cases, and "Finest Quality Table Oil Tipo Termini Imerese Sicilia-Italia Guaranteed Absolutely Pure," borne on the cans, were false and misleading in that said statements purported to set forth that the article consisted of genuine olive oil, whereas, in truth and in fact, it consisted of cottonseed oil, and for the further reason that said statements deceived and misled the purchaser into the belief that it consisted of genuine olive oil, whereas, in truth and in fact, it consisted of cottonseed oil. Misbranding of the article was alleged for the further reason that said statements, together with the designs and devices appearing on the labels of the cans and cases, conveyed the impression that the article was a foreign product, whereas, in truth and in fact, it was a product of domestic manufacture, 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, genuine olive oil. 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 or measure.

On April 23, 1919, Guisippi Renzino, Chicago, Ill., claimant, having admitted the material allegations in the libel and 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 \$1,000, in conformity with section 10 of the act, conditioned in part that the product should be relabeled, "Fine Quality Winterpressed Cottonseed Oil. Cottonseed Table Oil Slightly Flavored with Pure Olive Oil. Net Contents 3 qts. 1½ pts."

E. D. BALL,
Acting Secretary of Agriculture.

7066. Adulteration and misbranding of olive oil. U. S. * * * v. 26 Cases of Alleged Olive Oil. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 9624. I. S. No. 6730-r. S. No. C-1041.)

On January 22, 1919, the United States attorney for the Northern 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 26 cases, 24 of said cases containing 12 1-gallon cans; 1 of said

cases containing 24 $\frac{1}{2}$ -gallon cans, and 1 of said cases containing 48 $\frac{1}{4}$ -gallon cans of olive oil, at Chicago, Ill., alleging that the article had been shipped on October 1, 1918, by B. G. Makris, New York, N. Y., and transported from the State of New York into the State of Illinois, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part, "Finest Quality Table Oil."

Adulteration of the article was alleged in the libel for the reason that cottonseed oil had been substituted wholly for the article, and for the further reason that it had been substituted in part for the article.

Misbranding of the article was alleged for the reason that the cans containing it were denominated as to the contents thereof, and labeled, marked, and branded "Finest Quality Table Oil Insuperible (design of olive trees, and natives picking and packing olives) Termini Imerese Type Winterpressed (in inconspicuous type) Cottonseed Oil Slightly Flavored with Olive Oil," and said statements, borne on the cans, were false and misleading in that they purported to set forth that the article consisted of genuine olive oil, whereas, in truth and in fact, it consisted of cottonseed oil, and for the further reason that said statements deceived and misled the purchaser into the belief that it consisted of genuine olive oil, whereas, in truth and in fact, it consisted of cottonseed oil. Misbranding of the article was alleged for the further reason that said statements, together with the designs and devices appearing on the labels of the cans, conveyed the impression that the article was a foreign product, whereas, in truth and in fact, it was a product of domestic manufacture, 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, genuine olive oil. 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 or measure.

On April 23, 1919, Guisippi Renzino, Chicago, Ill., claimant, having admitted the material allegations in the libel and 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 \$1,000, in conformity with section 10 of the act, conditioned in part that the product should be properly relabeled.

E. D. BALL,

Acting Secretary of Agriculture.

7067. Adulteration and misbranding of Cacapon Healing Water. U. S. * * * v. 2 Barrels of Cacapon Healing Water. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 9625. I. S. No. 13730-r. S. No. E-1215.)

On January 21, 1919, the United States attorney for the District of New Jersey, 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 2 barrels of Cacapon Healing Water, at Alpine, N. J., alleging that the article had been shipped on or about December 3, 1918, by the Capon Springs Co., Capon Springs, W. Va., and transported from the State of West Virginia into the State of New Jersey, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended.

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