

gallons of scallops, remaining unsold in the original unbroken packages at New York, N. Y., alleging that the article had been shipped on or about March 10, 1919, by Wallace M. Quinn Co., Morehead City, N. C., and transported from the State of North Carolina into the State of New York, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that a substance, to wit, water, had been mixed and packed with, and substituted in part for, scallops, which the article purported to be.

On April 3, 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, but if said article could be disposed of for fertilizer or other similar manufacturing purposes, other than for human or animal consumption, then it might be disposed of in such manner as might be found practicable.

E. D. BALL, *Acting Secretary of Agriculture.*

**7229. Adulteration and misbranding of olive oil. U. S. \* \* \* v. 22 Gallons of Olive Oil (so called). Default decree of condemnation, forfeiture, and sale. (F. & D. No. 10004. I. S. No. 13576-r. S. No. E-1286.)**

On April 5, 1919, 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 22 gallons of olive oil, remaining unsold in the original unbroken packages at Waterbury, Conn., alleging that the article had been shipped on or about February 18, 1919, by Victor A. Mollica, 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, "Finest Quality Table Oil Tipo Termini Imerese Cottonseed Oil slightly Flavored with Olive Oil, Cicilia-Atalia. Guaranteed to be Absolutely Pure. (Picture of olive tree and peasants harvesting olives)."

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

Misbranding of the article was alleged in substance for the reason that the labels on the cans bore statements regarding the article which were false and misleading, that is to say, the words, to wit, "Cicilia-Atalia Guaranteed to be Absolutely Pure," together with the designs and devices showing olive tree and peasants harvesting olives, which statements and designs were intended to be of such a character as to induce the purchaser to believe that the product was olive oil, when, in truth and in fact, it was not, and which impression was not sufficiently corrected by the legend, "Cottonseed Oil Slightly Flavored with Olive Oil." Misbranding 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; and for the further reason that it purported to be a foreign product, when, in truth and in fact, it was not; 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.

On June 24, 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 sold by the United States marshal.

E. D. BALL, *Acting Secretary of Agriculture.*