

reason that it contained alcohol, and the wrapper failed to bear a statement of the quantity or proportion of alcohol contained therein.

On November 25, 1919, the defendant entered a plea of guilty to the information, and on December 1, 1919, the court imposed a fine of \$200.

E. D. BALL,
Acting Secretary of Agriculture.

7376. Adulteration and misbranding of olive oil. U. S. * * * v. 11 1-Gallon Cans and 23 Half-Gallon Cans of Olive Oil (so called). Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 10610. I. S. No. 13595-r. S. No. E-1572.)

On June 23, 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 11 1-gallon cans and 23 half-gallon cans of olive oil (so called), remaining unsold in the original unbroken packages at Waterbury, Conn., alleging that the article had been shipped on or about April 19, 1919, by the Southern Importing Co., 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 * * * Cottonseed Oil Flavored Slightly with Olive Oil * * * Termini Imerese * * * Cicilia-Atalia * * * Guaranteed Absolutely Pure (design of olive harvesting scene)." (On gallon cans) "1 Gallon Net" (On half-gallon cans) "½ Gallon Net."

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

Misbranding of the article was alleged for the reason that the labels on the cans bore certain statements, designs, and devices regarding the article which were false and misleading, and which statements 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 for the further reason that it purported to be a foreign product, when, in truth and in fact, it was a product of domestic manufacture packed in the United States; and for the further reason that the label bore statements, to wit, "One Gallon Net" and "One Half Gallon Net," respectively, whereas there was an average shortage in 10 gallon cans of 7.8 per cent and in 12 half-gallon cans of 11.5 per cent. 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, measure, or numerical count.

On November 3, 1919, Giuseppe Battaglia, New York, N. Y., claimant, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product 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.

E. D. BALL,
Acting Secretary of Agriculture.