

said cartons contained $\frac{1}{8}$ ounce, net weight, of the article, whereas, in truth and in fact, each of the said cartons did not contain $\frac{1}{8}$ ounce, net weight, of the said article, but did contain a less amount. Misbranding of the articles involved in all the consignments was alleged for the reason that they were food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages.

On February 8, 1922, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10656. Adulteration and misbranding of olive oil. U. S. * * * v. 8 Gallons of Alleged Olive Oil. Default decree of condemnation, forfeiture, and sale. (F. & D. No. 15091. I. S. No. 6978-t. S. No. E-3397.)

On June 27, 1921, 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 8 gallons of alleged olive oil, remaining in the original unbroken packages at Scranton, Pa., alleging that the article had been shipped by Arony and Papitsas, New York, N. Y., on or about April 28, 1921, and transported from the State of New York into the State of Pennsylvania, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended.

Adulteration of the article considered as a drug was alleged in the libel for the reason that it was sold under a name recognized in the United States Pharmacopœia, to wit, olive oil, and differed from the standard of strength, quality, and purity as determined by the test laid down in said Pharmacopœia. Adulteration of the article considered as a food was alleged for the reason that cottonseed oil had been mixed and packed with and substituted wholly or in part for the said article, and for the further reason that it had been mixed in a manner whereby damage and inferiority were concealed.

Misbranding was alleged in substance for the reason that the statements on the labels on the cans containing the article, to wit, "One Gallon Pure Olive Oil Guaranteed Superfine Trento Trieste Lucca Italy This Pure Olive Oil is guaranteed under any chemical analysis in accordance with the law of the United States for the imported products. Excellent for table and medicinal use," together with a design of the Italian flag and the use of the Italian language, were false and misleading and deceived and misled the purchaser. Misbranding was alleged in substance 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, for the further reason that it was falsely branded as to the country in which it was manufactured and produced, and 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 each package.

On November 15, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be sold by the United States marshal, after the label had been obliterated from the said cans.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10657. Adulteration and misbranding of table oil and misbranding of olive oil. U. S. * * * v. 8 Gallons, et al, of Alleged Olive Oil and 21 Cans of Alleged Table Oil. Default decrees of condemnation, forfeiture, and sale. (F. & D. Nos. 15042, 15132, 15189. I. S. Nos. 6961-t, 6980-t, 6979-t. S. Nos. E-3379, E-3408, E-3460.)

On June 14, July 14, and July 18, 1921, respectively, the United States attorney for the Middle District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 21 cans of table oil and 8 gallons and 20 cans of olive oil, remaining in the original unbroken packages, in part at Pittston, Pa., and in part at Scranton, Pa., alleging that the articles had been shipped by the Caserta Importing Co, New York, N. Y., on or about May 17, and June 10, 1921, respectively, and transported from the State of New York into the State of Pennsylvania, and charging adulteration and misbranding of the said table oil and misbranding of the said olive oil in violation of the Food and Drugs Act, as amended. The so-called table oil was labeled in part, (can) "Finest Quality Table Oil Tipo Termini Imerese * * * 1 Gallon Net." The olive oil was labeled in part, (can) "* * * Caserta Brand Net Contents One Full Gallon" (or "One Half Gallon") "* * * Pure Olive Oil. * * *"

Adulteration of the table oil was alleged in the libel for the reason that cottonseed oil had been mixed and packed with and substituted wholly or in part for the said article, and for the further reason that it was mixed in a manner whereby its inferiority was concealed.

Misbranding of the so-called table oil was alleged in substance for the reason that the statements on the labels of the cans containing the said article, to wit, "Finest Quality Table Oil Tipo Termini Imerese * * * 1 Gallon Net," together with a design showing olive trees and olive pickers, were false and misleading, and deceived and misled the purchaser, for the further reason that it purported to be a foreign product when not so, 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 olive oil was alleged in substance for the reason that the statements on the labels of the respective sized cans containing the said article, to wit, "Net Contents One Full Gallon" and "Net Contents One Half Gallon," were false and misleading and deceived and misled the purchaser, since the said cans did not contain 1 gallon or $\frac{1}{2}$ gallon, as the case might be, of the said article, but did contain less amounts. Misbranding was alleged with respect to both products for the reason that they were food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages.

On November 15, 1921, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the products be sold by the United States marshal, after the obliteration of the labels of the so-called table oil and the statements, respectively, "One Full Gallon" and "Net Contents One-half Gallon" from the labels of the olive oil.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

1065S. Misbranding of linseed cake and linseed meal. U. S. * * * v. Ankeney Linseed Mfg. Co., a corporation. Plea of guilty. Fine, \$20 and costs. (F. & D. No. 15846. I. S. Nos. 13403-t, 13404-t.)

On February 28, 1922, the United States attorney for the Southern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Ankeney Linseed Mfg. Co., a corporation, Des Moines, Iowa, alleging shipment by said company, in violation of the Food and Drugs Act, on or about August 28, 1920, from the State of Iowa into the State of Kansas, of quantities of linseed meal and linseed cake, respectively, which were misbranded. The articles were labeled in part, (tags) "Guaranteed Analysis Crude Protein 34 Per cent * * * Ankeney Linseed Mfg. Co., Des Moines, Iowa * * *"

Analysis of a sample of the linseed cake by the Bureau of Chemistry of this department showed that it contained 30.90 per cent of crude protein. Analysis of a sample of the linseed meal by the same bureau showed that it contained 30 per cent of crude protein.

Misbranding of the articles was alleged in substance in the information for the reason that the statement, to wit, "Guaranteed Analysis: Crude Protein 34 per cent," borne and labeled on the tags attached to the bags containing the articles, concerning the articles and the substances and ingredients thereof, was false and misleading in that the said statement represented the articles to contain 34 per cent of crude protein, and for the further reason that they were labeled as aforesaid so as to deceive and mislead the purchaser into the belief that they contained 34 per cent of crude protein, whereas, in truth and in fact, they did not contain 34 per cent of crude protein but did contain a less amount.

On May 10, 1922, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$20 and costs.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10659. Misbranding of calf feed and adulteration and misbranding of pig meal. U. S. * * * v. Martin Calf Feed Co., a corporation. Plea of guilty. Fine, \$50 and costs. (F. & D. No. 15854. I. S. Nos. 11954-t, 11955-t.)

On April 3, 1922, the United States attorney for the Western District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Martin Calf Feed Co., a corporation, Mineral Point, Wis., alleging shipment by said company, in violation of the Food and Drugs Act, on or about May 1, 1920, from the State of Wisconsin into the State of Minnesota, of quantities