

**10857. Misbranding of olive oil. U. S. v. 9, et al, Cans of Olive Oil. Default decrees of condemnation and forfeiture. Product ordered sold.** (F. & D. Nos. 15514, 15515, 15746, 15748, 15950. I. S. Nos. 12802-t, 12803-t, 12804-t, 12805-t, 12806-t, 12807-t, 12808-t, 12809-t, 12814-t, 12815-t. S. Nos. W-1018, W-1018-a, W-1037, W-1043.)

On November 19, 1921, and January 3 and 28, 1922, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 10 cans, each containing 1 gallon, 65 2-quart cans, and 115 1-quart cans of olive oil, at Salt Lake City and Helper, Utah, alleging that the article had been shipped between the dates of March 8, 1921, and September 23, 1921, by Deligiannis Bros., Chicago, Ill., and transported from the State of Illinois into the State of Utah, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: "Net Contents One Gallon," or "Net Contents Two Quarts," or "Net Contents One Quart" "Pure Olive Oil Universal Brand Deligiannis Bros. Chicago U. S. A."

Misbranding of the article was alleged in the libels for the reason that the statements on the labels, "Net Contents One Gallon," "Net Contents Two Quarts," and "Net Contents One Quart," were false and misleading in that the net contents were not 1 gallon, 2 quarts, and 1 quart, and for the further reason that the article was in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On February 23 and March 28, 1922, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be so labeled and branded as to correctly designate the contents thereof, and that the same be sold by the United States marshal at public auction.

C. F. MARVIN, *Acting Secretary of Agriculture.*

**10858. Adulteration and misbranding of tea. U. S. v. 75 Cans of Tea. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 15969. I. S. No. 3109-t. S. No. C-3418.)

On February 4, 1922, the United States attorney for the Western District of Kentucky, 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 75 cans of tea, remaining in the original unbroken packages at Louisville, Ky., consigned by the Bohea Importing Co., Baltimore, Md., alleging that the article had been shipped on or about December 3, 1921, and transported from the State of Maryland into the State of Kentucky, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: "King George \* \* \* Flowery Orange Pekoe Ceylon-India Tea Bohea Importing Co. Baltimore, U. S. A. King George Ceylon-India Tea is an expert blending of very choice growths from the High Altitude Districts. It will be enjoyed for matchless qualities of drink \* \* \*  $\frac{1}{2}$  Pound Net Weight When Packed."

Adulteration of the article was alleged in the libel for the reason that a grade or grades of tea other than Flowery Orange Pekoe had been mixed and packed with and substituted wholly or in part therefor.

Misbranding was alleged for the reason that the statements, "Flowery Orange Pekoe \* \* \*  $\frac{1}{2}$  Pound Net Weight When Packed," were false and misleading, and deceived and misled the purchaser, and for the further reason that said article was [food] in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On May 29, 1922, 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 destroyed by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

**10859. Adulteration and misbranding of butter. U. S. v. 48 Tubs of Butter. Decree of condemnation and forfeiture. Product released under bond.** (F. & D. No. 16694. I. S. No. 2505-v. S. No. E-4096.)

On July 31, 1922, the United States attorney for the Eastern 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, and on August 3, 1922, an amended libel, praying the seizure and condemnation of 48 tubs of