

11137. Adulteration and misbranding of olive oil. U. S. v. 5 1-Gallon Cans and 4 5-Gallon Cans of Olive Oil. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 16593. I. S. No. 18425-t. S. No. C-3678.)

On July 7, 1922, the United States attorney for the Eastern District of Missouri, 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 5 1-gallon cans and 4 5-gallon cans of olive oil, remaining in the original unbroken packages at St. Louis, Mo., alleging that the article had been shipped by the Messina Importing Co., New York, N. Y., on or about June 13, 1922, and transported from the State of New York into the State of Missouri, 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 cottonseed oil had been mixed and packed with and substituted wholly or in part for olive oil.

Misbranding was alleged in substance for the reason that the following statements appearing on the labels of the gallon cans, to wit, "Olio Puro D'Oliva Garantito Messina Brand Extra Fine Quality Packed and Imported by Messina Imp. Co. New York, N. Y. This can contains one gallon * * * Messina Brand Olio Puro D'Oliva. This oil is absolutely pure extracted from olives and unsurpassable for table and medicinal use. It is guaranteed under any analysis in strict accordance with laws covering imported products," together with equivalent statements in Italian, were false and misleading and deceived and misled the purchaser, and for the further reason that the article was [food] in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package. Misbranding was alleged, with respect to the product in the cans of both sizes, for the reason that it was an imitation of and was offered for sale under the distinctive name of another article.

On September 20, 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. W. PUGSLEY, *Acting Secretary of Agriculture.*

11138. Adulteration and misbranding of flour. U. S. v. 100 Sacks of Flour. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 16684. I. S. No. 7714-v. S. No. W-1170.)

On or about July 29, 1922, the United States attorney for the Western District of Washington, 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 100 sacks of flour, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the Montana Flour Mills Co., Harlowton, Mont., July 10, 1922, and transported from the State of Montana into the State of Washington, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: "Montana Flour Mills Co. Highest Patent Sapphire Flour Made from Selected Hard Wheat Matured Bleached 49 Lbs. * * * Sapphire Flour."

Adulteration of the article was alleged in the libel for the reason that water had been mixed and packed with and substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statement, "49 Pounds," was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the 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 or about August 24, 1922, Galbraith & Co., Seattle, Wash., claimant, having admitted the allegations of the libel and confessed judgment, a decree of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$250, in conformity with section 10 of the act, conditioned in part that it be reconditioned under the supervision and to the satisfaction of this department.

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