

reason that the article was an imitation of and offered for sale under the distinctive name of another article.

On April 4, 1923, the Powell Corp., Canandaigua, N. Y., claimant, having admitted the allegations in the libel and consented to the entry of a decree, judgment 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 \$500, in conformity with section 10 of the act, conditioned in part that it be relabeled in a manner satisfactory to this department.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11510. Adulteration and misbranding of coal-tar color. U. S. v. 1 Can of Coal-Tar Color. Default decree ordering destruction of product. (F. & D. No. 14834. I. S. No. 11804-t. S. No. E-3340.)

On April 28, 1921, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 1 can of coal-tar color, remaining in the original unbroken packages at Baltimore, Md., consigned March 29, 1921, alleging that the article had been shipped by the W. B. Wood Mfg. Co., St. Louis, Mo., and transported from the State of Missouri into the State of Maryland, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "1 Lb. Net * * * Complies With All Requirements Quality Color * * * Number 112 Contents Red."

Adulteration of the article was alleged in the libel for the reason that a substance containing about equal parts of nonpermitted dye and inorganic salts had been mixed and packed with and substituted wholly or in part for the said article. Adulteration was alleged for the further reason that the article was mixed in a manner whereby damage or inferiority was concealed.

Misbranding was alleged for the reason that the statements appearing on the label, "Complies With All Requirements Quality Color * * * Contents Red," were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was an imitation of and was offered for sale under the distinctive name of another article.

On June 8, 1923, no claimant having appeared for the property, judgment of the court was entered ordering that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11511. Adulteration and misbranding of salad oil. U. S. v. 42 Cans of Alleged Salad Oil. Default decree of condemnation, forfeiture, and sale. (F. & D. No. 15046. I. S. Nos. 6959-t, 6960-t. S. No. E-3382.)

On June 17, 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 praying the seizure and condemnation of 42 cans of alleged salad oil, remaining in the original unbroken packages at Pittston, Pa., alleging that the article had been shipped by the Youngstown Macaroni Co., Youngstown, Ohio, on or about May 21, 1921, and transported from the State of Ohio into the State of Pennsylvania, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: "Tripoli Italiana Brand Oil Winterpressed Cottonseed Flavored With Pure Olive Oil Salad Oil A Compound 1 Quart, 1 Pint and 11 Fl. Oz. Net" (or "3 Quarts, 1 Pint and 6 Fl. Oz. Net") "Guaranteed By The Youngstown Macaroni Co. Youngstown, O. Under The Pure Food And Drugs Act, June 30, 1906. Serial No. 5179."

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 the said article. Adulteration was alleged for the further reason that the article was mixed in a manner whereby its inferiority was concealed.

Misbranding was alleged for the reason that the statements on the labels of the cans containing the article, "Tripoli Italiana Brand Oil * * * Guaranteed * * * Under The Pure Food And Drugs Act, June 30 1906, Serial No. 5179," together with an Italian design, were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article purported to be a foreign product when not so,