

tained not less than 8 per cent of ammonia, not less than 41 per cent of protein, not less than $6\frac{1}{2}$ per cent of nitrogen, and not over 9 per cent of crude fiber, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained not less than 8 per cent of ammonia, not less than 41 per cent of protein, not less than $6\frac{1}{2}$ per cent of nitrogen, and not over 9 per cent of crude fiber, whereas, in truth and in fact, it did contain less than 8 per cent of ammonia, 41 per cent of protein, and $6\frac{1}{2}$ per cent of nitrogen, to wit, approximately 7.44 per cent of ammonia, approximately 38.25 per cent of protein, and approximately 6.12 per cent of nitrogen, and did contain over 9 per cent of crude fiber, to wit, 14.17 per cent of fiber.

On June 20, 1921, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25.

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

11531. Adulteration and misbranding of olive oil. U. S. v. 14 Cans and 30 Cans of Olive Oil, So-Called. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 15331. I. S. Nos. 15430-t, 15431-t. S. No. E-3610.)

On October 17, 1921, the United States attorney for the District of New Jersey, 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 14 gallon cans and 30 quart cans of olive oil, so-called, remaining unsold at Newark, N. J., alleging that the article had been shipped by the International Olive Oil Co., New York, N. Y., on or about June 1, 1921, and transported from the State of New York into the State of New Jersey, 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 it was sold under a name recognized in the United States Pharmacopœia and differed from the Pharmacopœial standard of strength, quality, or purity. Adulteration was alleged for the further reason that a substance, peanut oil, mixed in a manner whereby damage or inferiority was concealed, had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality or strength and had been substituted wholly or in part for the said article.

Misbranding of the article was alleged for the reason that the label bore statements, designs, or devices regarding the article or the ingredients or substances contained therein, as follows, "Olive Oil Pure Virgin * * * Highly Recommended For Medicinal Purpose * * * This oil being strictly pure is therefore recommended for medicinal and all other purposes for which Olive Oil is used" (practically same statements in Italian) "Riviera d'Italia Brand" (cuts showing olive sprays bearing olives) "Net Contents 1/4 Gallon" (or "Net Contents One Gallon") "* * * Imported By E. B. New York," which were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was an imitation of or offered for sale under the distinctive name of another article, for the further reason that it purported to be a foreign product when not so, for the further reason that the package was falsely branded as to the country in which the article was manufactured or produced, 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 packages, since the statement made was not correct.

On June 11, 1923, 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.

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

11532. Adulteration of tomato paste. U. S. v. 1,400 Tins of Tomato Paste. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 16081. I. S. No. 15522-t. S. No. E-3838.)

On April 6, 1922, 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 1,400 tins of tomato paste, remaining unsold in the original unbroken packages at Scranton, Pa., alleging that the article had been shipped by Thomas Page, Albion, N. Y., on or about December 19, 1921, and transported from the State of New York into the State of Pennsylvania,