

12107. Misbranding of olive oil. U. S. v. 26 Quart Cans, et al., of Olive Oil. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 15410, 15411, 15418, 15469, 15478. I. S. Nos. 3518-t, 3519-t, 3520-t, 3521-t, 3522-t, 3523-t, 3524-t, 3525-t. S. Nos. C-3257, C-3258, C-3259, C-3264, C-3268.)

On October 6, 10, 12, and 14, 1921, respectively, the United States attorney for the District of Minnesota, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 28 gallon cans, 33 2-quart cans, 44 quart cans, and 78 pint cans of olive oil, at Minneapolis, Minn., alleging that the article had been shipped by Deligiannis Bros., in part from Galewood and in part from Chicago, Ill., in various consignments, namely, April 2, August 25, September 13, September 24, and September 27, 1921, respectively, and transported from the State of Illinois into the State of Minnesota, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Cans) "Net Contents One Gallon" (or "Two Quarts" or "One Quart" or "One Pint") "* * * Pure Olive Oil * * * Universal Brand Deligiannis Bros. Chicago, U. S. A."

Misbranding of the article was alleged in substance in the libels for the reason that the statements appearing in the labeling, namely, "Net Contents One Gallon," "Net Contents Two Quarts," "Net Contents One Quart," and "Net Contents One Pint," as the case might be, were 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 packages.

On November 5, 1923, 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 destroyed by the United States marshal.

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

12108. Adulteration of shell eggs. U. S. v. Jessie Alford Bentley and Roy Altama Frame (Bentley & Frame). Case dismissed as to Roy Altama Frame. Plea of guilty by Jessie Alford Bentley. Fine, \$15. (F. & D. No. 17947. I. S. No. 5961-v.)

On January 16, 1923, the United States attorney for the Eastern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Jessie Alford Bentley and Roy Altama Frame, copartners, trading as Bentley & Frame, Bloomburg, Tex., alleging shipment by said defendants, in violation of the Food and Drugs Act, on or about July 4, 1923, from the State of Texas into the State of Louisiana, of a quantity of eggs which were adulterated. The article was labeled in part: "From Bentley & Frame Bloomburg, Tex."

Examination by the Bureau of Chemistry of this department of the 720 eggs in the consignment showed that 83, or 11.5 per cent of those examined, were inedible eggs, consisting of black rots, mixed or white rots, moldy eggs, spot rots, heavy blood rings, and enlarged embryos.

Adulteration of the article was alleged in the information for the reason that it consisted in whole or in part of a filthy, putrid, and decomposed animal substance.

On February 18, 1924, the case against Roy Altama Frame having been dismissed, a plea of guilty was entered by Jessie Alford Bentley, and the court imposed a fine of \$15 and costs.

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

12109. Misbranding of vegetable oil. U. S. v. 230 Cases, et al., of Spatola Pure Vegetable Oil. Decrees of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 18303, 18387. I. S. Nos. 2800-v, 2902-v. S. Nos. E-4731, E-4736.)

On February 14, 1924, the United States attorney for the Eastern District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 629½ cases of Spatola pure vegetable oil, at Philadelphia, Pa., consigned by Portsmouth Cotton Oil Refining Corp., Portsmouth, Va., alleging that the article had been shipped from Portsmouth, Va., in two consignments, namely, on or about January 3 and 15, 1924, respectively, and transported from the State of Virginia into the State of Pennsylvania, and charging misbranding in violation of the Food and Drugs Act, as amended.