

as amended. The article was labeled in part: "One Gallon Net * * * La Deliziosa Brand" or "Farfariello Brand."

It was alleged in the libels that the article was adulterated in that cottonseed oil had been substituted wholly or in part for it. Adulteration was alleged with respect to portions of the article for the further reason that cottonseed oil had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength.

Misbranding was alleged with respect to the Deliziosa brand for the reason that the statements, "Olio Finissimo Garantito La Deliziosa Brand Premiato All' Esposizione di Roma 1924, Italia"; "Olio Finissimo La Delioza Brand Premiato All' Esposizione di Roma 1924", and designs of an olive branch and design of medal bearing the picture of the King of Italy, appearing on the can label, were false and misleading and deceived and misled the purchaser when applied to a product consisting essentially of domestic cottonseed oil. Misbranding was alleged with respect to the Farfariella brand oil for the reason that the statements, "Olio Extra Fino Garantito Farfariello", "Olio Fino", "Delizia Olive Oil Inc., Premiato All' Esposizione Di Roma 1924 Italia", and the design of leaves suggesting olive leaves on the can label were misleading, since they created the impression that the article was imported olive oil, whereas it consisted essentially of cottonseed oil of domestic origin. Misbranding was alleged for the further reason that the article purported to be a foreign product when not so. Misbranding was alleged with respect to portions of the article for the further reason that the statement, "One Gallon Net", was false and misleading and deceived and misled the purchaser, and for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement of weight was incorrect.

On October 26, November 1, and December 21, 1933, 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.

M. L. WILSON, *Acting Secretary of Agriculture.*

21844. Adulteration and misbranding of maple sirup and misbranding of maple sugar. U. S. v. Twelve 10-Pound Pails of Maple Sugar, et al. Default decrees of condemnation, forfeiture, and destruction. (F. & D. nos. 31161, 31162. Sample nos. 48979-A, 48980-A, 48989-A.)

These cases involved shipments of a lot of maple sugar that was not labeled with a statement of the quantity of the contents, and of a lot of maple sirup in which the statement was not plain and conspicuous since it was embossed on the can and was not on the same side of the can as the label. Samples taken from the maple sirup were found to be sour and fermenting.

On September 30, 1933, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of twelve 10-pound pails and eleven 5-pound pails of maple sugar, and one hundred and seventy-five 1-gallon cans of maple sirup, at Seattle, Wash., alleging that the articles had been shipped in interstate commerce in part on or about April 25, 1933, and in part on or about June 27, 1933, by Frank Lucas, from Potsdam, N.Y., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The articles were labeled in part: "Pure Maple Sugar Made By Sumner Lucas Parishville, New York" and "Pure Maple Syrup Made by Frank Lucas, Parishville, N.Y."

It was alleged in the libel filed with respect to the maple sirup that the article was adulterated in that it consisted in whole or in part of a decomposed vegetable substance.

Misbranding was alleged with respect to both products for the reason that the articles were food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages.

On October 30 and November 9, 1933, respectively, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the products be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*