

23048. Misbranding of olive oil. U. S. v. 27 Tins, et al., of Olive Oil. Default decrees of condemnation and forfeiture. Product ordered destroyed or delivered to charitable institutions. (F. & D. nos. 33043, 33051, 33052. Sample nos. 73547-A, 73548-A, 73549-A.)

Sample cans of olive oil taken from the shipments involved in these cases were found to contain less than 1 gallon, the volume declared on the label.

On July 3, 5, and 7, 1934, the United States attorney for the District of Oregon, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 65 cans of olive oil at Portland, Oreg., alleging that the article had been shipped in interstate commerce, on or about November 23, 1933, March 24 and June 4, 1934, by Parodi Erminio & Co., Inc., from San Francisco, Calif., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Olive Oil Net Contents One Gallon", a portion being further labeled, "Peco Brand."

The article was alleged to be misbranded in that the statement on the label, "Net Contents One Gallon", was false and misleading and tended to deceive and mislead 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 made was incorrect.

On August 17, 1934, no claimant having appeared, judgments of condemnation and forfeiture were entered, and the court ordered that the product be destroyed or distributed to charitable institutions.

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

23049. Adulteration and misbranding of olive oil. U. S. v. 28 Tins of Olive Oil. Default decree of condemnation and forfeiture. Product ordered destroyed or delivered to charitable institutions. (F. & D. no. 33063. Sample no. 73555-A.)

This case involved a shipment of alleged olive oil that was found to consist of a mixture of domestic cottonseed oil, sesame oil, and olive oil. Sample cans examined were found to contain less than 1 gallon, the labeled volume.

On July 17, 1934, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 28 tins of olive oil at Portland, Oreg., alleging that the article had been shipped in interstate commerce, on or about March 13, 1934, by the Metropolitan Grocery, from Seattle, Wash., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Leonetta Brand Extra Virgin Olive Oil Contents One Full Gallon Highest Quality Metropolitan Grocery Co. Amerilino & Sons, Seattle, U.S.A. Distributors."

The article was alleged to be adulterated in that a mixture of domestic cottonseed oil, sesame oil, and olive oil, had been substituted for olive oil, which the article purported to be.

Misbranding was alleged for the reason that the statements, "Extra Virgin Olive Oil * * * Highest Quality" and "Questo Olio E Garantito Pure D'Oлива", together with the design of Italian national colors and the picture of a girl under a tree supposedly bearing ripe olives, which statements and designs appeared on the label, were false and misleading and tended to deceive and mislead the purchaser, since they implied that the article was pure olive oil; whereas it was not. Misbranding was alleged for the further reason that the article purported to be a foreign product, when not so; for the further reason that it was offered for sale under the distinctive name of another article; 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 "Contents One Full Gallon" was incorrect.

On October 22, 1934, no claimant having appeared, judgment of condemnation and forfeiture was entered, and the court ordered that the product be destroyed or distributed to charitable institutions.

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

23050. Adulteration of crab meat. U. S. v. 1 Barrel and 986 Cans of Crab Meat. Default decrees of condemnation and forfeiture. (F. & D. nos. 33067, 33429. Sample nos. 4623-B, 4872-B.)

These cases involved shipments of crab meat which was found to contain filth.

On July 11 and September 7, 1934, the United States attorney for the District of Columbia, acting upon reports by the Secretary of Agriculture, filed in the