

purposes or destroyed. The decree provided further that all the product might be denatured and sold for technical use only.

31154. Adulteration and misbranding of olive oil. U. S. v. 299 Gallon Cans, 53 Half-Gallon Cans, and 83 Quart Cans of Olive Oil (and 1 other seizure action involving olive oil). Consent decree of condemnation. Product ordered released under bond for technical use. (F. & D. Nos. 37453, 37454. Sample Nos. 67702-B, 67703-B.)

Examination of this product showed that it contained tea-seed oil and that the half-pint cans contained less than the declared volume.

On March 30, 1936, the United States attorney for the Northern District of Ohio filed libels against 308 gallon-cans, 77 half-gallon cans, 130 quart cans, 62 pint cans, 78 half-pint cans, and 57 2-ounce bottles of olive oil at Youngstown, Ohio, alleging that the article had been shipped in interstate commerce on or about August 28 and October 19 and 25, 1935, by the Agash Refining Corporation from Brooklyn, N. Y.; and charging that it was adulterated and misbranded.

The article was alleged to be adulterated in that tea-seed oil had been mixed and packed therewith so as to reduce its quality or strength and had been substituted wholly or in part for olive oil.

It was alleged to be misbranded: (1) In that the following or similar statements in the labeling, (cans) "Imported Product Pure Olive Oil * * * The Olive Oil contained in this can is pressed from fresh picked high grown fruit. It is especially adapted for medicinal and table use and guaranteed to be absolutely pure * * * Italian Product Pure Olive Oil * * * Italy * * * [designs of an olive tree, olive branches with olives, crown, and the Italian flag and shield]," and (bottles) "Olio d'Oliva Vergine * * * Italia," were false and misleading and tended to deceive and mislead the purchaser when applied to a product containing tea-seed oil. (2) In that it was offered for sale under the distinctive name of another product, i. e., olive oil. (3) (half-pint cans only) In that the statements on the label, "Net Contents One Full Half-Pint * * * Contents $\frac{1}{16}$ Gallone Netto," were false and misleading and tended to deceive and mislead the purchaser when applied to a product in cans containing less than one-half pint. (4) (half-pint cans only) In 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.

On June 10, 1942, the cases having been consolidated, and the Agash Refining Corporation, claimant, having admitted the allegations of the libel for the purpose of the instant cases only, judgment of condemnation was entered, and the product was ordered released under bond conditioned that it be transferred to the plant of the claimant and dumped into drums or tanks and denatured and sold for technical use only.

31155. Adulteration and misbranding of olive oil. U. S. v. 12 Dozen Half-pint Cans of Olive Oil (and 2 other seizure actions against olive oil). Default decrees of condemnation. Product ordered sold for technical use. (F. & D. Nos. 37410, 37428, 37518. Sample Nos. 53987-B, 53992-B, 53993-B, 67313-B.)

Examination of this product showed that it contained tea-seed oil; also, that the half-pint cans were short of the declared volume.

On March 10 and 24 and April 22, 1936, the United States attorney for the Eastern District of Pennsylvania filed libels against 12 dozen half-pint cans, 13 cartons each containing 16 half-pint cans, 19 cartons, each containing 1 pint can, and 16 gallon cans of olive oil at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce by the Agash Refining Corporation from Brooklyn, N. Y., within the period from on or about June 13 to December 30, 1935; and charging that it was adulterated and misbranded.

The article was alleged to be adulterated in that tea-seed oil had been mixed and packed therewith so as to reduce or lower its quality or strength and had been substituted in whole or in part for olive oil, which it purported to be.

It was alleged to be misbranded: (1) In that the following or similar statements on the label, "Imported Product Pure Olive Oil," "The Olive Oil contained in this can is pressed from fresh picked high grown fruit * * * It is * * * guaranteed to be absolutely pure," and designs of an olive tree, olive branches, and Italian coat of arms and Italian flag, were false and misleading and tended to deceive and mislead the purchaser when applied to a product containing tea-seed oil. (2) In that it was offered for sale under the distinctive name of another article, i. e., olive oil. The product in the half-pint cans was

alleged to be misbranded further: (1) In that the statements on the label, "1/16 Gallone Netto * * * One full half pint" or "Contenuto 1/16 Gallone Netto," were false and misleading as applied to a product in cans containing less than one-half-pint. (2) In that it was in package form and the quantity of the contents was not plainly and conspicuously marked on the outside package, since the quantity stated was not correct.

On May 29, 1942, no formal appearance or claim or answer having been filed, judgment of condemnation was entered and it was ordered that the product be sold for use as soap stock.

31156. Adulteration and misbranding of olive oil. U. S. v. 21 Quart Cans and 61 Pint Cans of Olive Oil (and 2 other seizure actions against olive oil). Default decrees of condemnation. Product ordered sold for technical use. (F. & D. Nos. 37411, 37429, 37519. Sample Nos. 53988-B, 53989-B, 53995-B, 53996-B, 67308-B to 67312-B, incl.)

Examination of this product showed the presence of tea-seed oil.

On March 21 and 23 and April 2, 1936, the United States attorney for the Eastern District of Pennsylvania filed libels against 176 half-pint cans, 73 pint cans, 35 quart cans, 19 half-gallon cans, and 14 gallon cans of olive oil at Philadelphia, Pa., alleging that the article had been shipped within the period from on or about December 2, 1935, to on or about March 16, 1936, by the Uco Food Corporation from Newark, N. J.; and charging that it was adulterated and misbranded.

The article was alleged to be adulterated in that tea-seed oil had been mixed and packed with it so as to reduce or lower its quality and strength and had been substituted in whole or in part for olive oil.

It was alleged to be misbranded: (1) in that the following or similar statements, (can labels) "Italian Product Pure Olive Oil * * * Italy * * * The Olive Oil contained in this can is pressed from fresh picked high grown fruit in Italy. It is * * * guaranteed to be absolutely pure [and designs of an olive tree, an olive branch, and Italian coat of arms and Italian flag]." were false and misleading and tended to deceive and mislead the purchaser when applied to a product containing tea-seed oil. (2) In that it was offered for sale under the distinctive name of another article.

On May 29, 1942, no formal appearance or claim having been entered, judgment of condemnation was entered and the product was ordered sold for use as soap stock.

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¹ Contains an opinion of the court.
² Prosecution contested.

^{*} Unauthorized use of seafood inspection legend.