

that the product had been shipped by Loewenthal Strauss Co., on or about April 9, 1912, and transported from the State of Ohio into the State of Texas, and charging misbranding in violation of the Food and Drugs Act. The product was labeled: (On cases) "Monacco Brand—Liqueurs—Cognac—The L. S. Co.—Trade Mark—This case contains 12 bott. 5 to gal." (On bottles) "Monacco Brandy—Blend—Cognac—Type." Misbranding of the product was alleged in the libel for the reason that it was labeled as set forth above, whereas, in truth and in fact, it was not genuine cognac brandy, but an imitation thereof. It was alleged that the labels were so constructed that the words "Monacco Brand Cognac" were in prominent type, while the words "Blend" and "Type," modifying the above, were inconspicuously displayed in small type, so that the whole effect was false and misleading and would mislead the purchaser to believe that the product was a cognac brandy and not an imitation.

On June 20, 1913, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that upon filing bond required by law and paying the costs of the proceedings by the owners, the said Loewenthal Strauss Co., that the United States marshal be directed to release the product to said owners.

B. T. GALLOWAY, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *May 6, 1914.*

3024. Adulteration of tomato pulp. U. S. v. 50 Cases of Tomato Pulp. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 4982. S. No. 1647.)

On January 14, 1913, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel, and on January 28, 1913, an amended libel, for the seizure and condemnation of 50 cases, each containing 4 dozen cans of tomato pulp, remaining unsold in the original unbroken packages and in possession of Sackler Bros., Brooklyn, N. Y., alleging that the product had been shipped on or about December 9, 1912, by William P. Andrews, Wingate Point, Md., and transported from the State of Maryland into the State of New York, and charging adulteration in violation of the Food and Drugs Act. The product was labeled: "Asquith Brand—Packed by William P. Andrews, Crapo, Md.—Tomato Pulp—Contents Weigh 9 oz. or over."

Adulteration of the product was alleged in the libel for the reason that it consisted wholly or in part of a filthy, putrid, and decomposed vegetable substance.

On February 17, 1913, no claimant having appeared for the property, judgment of condemnation, forfeiture, and destruction was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

B. T. GALLOWAY, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *May 6, 1914.*

3025. Adulteration and misbranding of olive oil. U. S. v. G. Lo Callo et al. (G. Lo Callo & Co.). Plea of guilty. Fine, \$30. Sentence suspended as to one defendant. (F. & D. No. 4983. I. S. No. 18755-d.)

On June 23, 1913, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against George Lo Calio, Joseph Lo Calio, and Joseph Spitleri, doing business under the firm name and style of G. Lo Calio & Co., New York, N. Y., alleging shipment by said company, in violation of the Food and Drugs Act, on December 27, 1911, from the State of New York into the State of Pennsylvania, of a quantity of so-called olive oil which was adulterated and misbranded. The product was labeled: "Extra Fine Olive Oil Lucca Italy. Olio d'oliva. Torricelli Brand Marca Depositata."