

**4776. Misbranding of olive oil. U. S. \* \* \* v. 7 Cases of Olive Oil (so called). Consent decree of condemnation and forfeiture. Product ordered released on bond.**  
(F. & D. No. 7367. I. S. No. 4207-1. S. No. E-596.)

On April 28, 1916, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 7 cases, each containing 12 cans, of so-called olive oil, remaining unsold in the original unbroken packages at Stamford, Conn., alleging that the article had been shipped, on or about January 24, 1916, by Anna Heller, trading under the name of Venice Importing Co., New York, N. Y., and transported from the State of New York into the State of Connecticut, and charging misbranding in violation of the Food and Drugs Act. The article was labeled: "Net Contents Full Gallon" (Italian coat of arms) "Olio Sopraffino Qualità Superiore Olio Finissimo Cotton Seed and Olive Oil A Compound Tripolitania Brand."

Misbranding of the article was alleged in the libel for the reason that the labels on the cans bore a certain statement, namely, "Net Contents Full Gallon," whereas, in truth and in fact, the net contents of each can was 5 per cent short of a full gallon. Misbranding was alleged for the further reason that said labels bore certain statements, designs, and devices regarding the article which were false and misleading, that is to say, said labels bore the following words, "Olio Sopraffino Qualità Superiore Olio Finissimo Cotton Seed and Olive Oil A Compound Tripolitania Brand," and in addition to said words there appeared the Italian coat of arms, all of which inscriptions and general construction were intended to be of such a character as to induce the purchaser to believe that the article was of foreign origin, when, in truth and in fact, it was not so. Misbranding was alleged for the further reason that the labels as aforesaid bore in large type the words "Olive Oil," and in small and inconspicuous type the words "Cotton Seed and" [Olive Oil], which words were false and misleading, and by their general construction were intended to be of such a character as to induce the purchaser to believe that the product was olive oil, whereas, in truth and in fact, it consisted largely of cottonseed oil.

On June 17, 1916, the said Anna Heller, trading under the name and style of Venice Importing Co., claimant, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be redelivered to said claimant upon payment of all the costs of the proceedings and the execution of bond in the sum of \$150, in conformity with section 10 of the act.

CARL VROOMAN, *Acting Secretary of Agriculture.*