

6528. Adulteration and misbranding of olive oil. U. S. * * * v. 24 Half-Gallon Cans and 46 Quart Cans of Olive Oil (so called). Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 8948. I. S. No. 2009-p. S. No. E-1013.)

On April 5, 1918, 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 24 half-gallon cans and 46 quart cans of olive oil (so called), remaining unsold in the original unbroken packages at Stamford, Conn., alleging that the article had been shipped on or about May 9, 1917, by Garra & Trusso, New York, N. Y., and transported from the State of New York into the State of Connecticut, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part, "Pure Extra Fine Olive Oil Extra 1 Imported from Lucca Tuscany Italy."

Adulteration of the article was alleged in the libel for the reason that a certain substance, to wit, cottonseed oil, had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted in part for olive oil, which the article purported to be.

Misbranding of the article was alleged for the reason that the cans bore certain statements regarding the article which were false and misleading, that is to say, the statement, to wit, "Olive Oil," was intended to be of such a character as to induce the purchaser to believe that the product was olive oil, when, in truth and in fact, it was not; and for the further reason that it purported to be a foreign product, when, in truth and in fact, it was not, but was a product of domestic manufacture, packed in the United States; and for the further reason that it was an imitation of, and was offered for sale under the distinctive name of, another article, to wit, olive oil. Misbranding of the article was alleged for the further reason that the so-called half-gallon cans bore the statement, to wit, "Full Half Gallons," whereas there was a shortage in each can of 3.1 per cent from the declared contents; and for the further reason that the so-called quart cans bore the statement, to wit, "Full Quart," whereas there was a shortage in each can of 3.1 per cent from the declared contents; 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 packages in terms of weight, measure, or numerical count.

On January 21, 1919, the said Garra & Trusso, claimants, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be delivered to said claimant upon the payment of the costs of the proceedings and the execution of a bond in the sum of \$300, in conformity with section 10 of the act.

C. F. MARVIN, *Acting Secretary of Agriculture.*