

6555. Adulteration and misbranding of olive oil. U. S. * * * v. 90 One-Quart Cans of Olive Oil. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 8987. I. S. No. 1373-p. S. No. E-1022.)

On April 12, 1918, the United States attorney for the District of Rhode Island, 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 90 one-quart cans of olive oil, consigned by Garra & Trusso, New York, N. Y., remaining unsold in the original unbroken packages at Providence, R. I., alleging that the article had been shipped on or about January 8, 1918, and transported from the State of New York into the State of Rhode Island, 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."

Adulteration of the article was alleged in substance in the libel for the reason that cottonseed oil had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, and had been substituted in part for the article labeled, "Olive Oil."

Misbranding of the article was alleged for the reason that the statement, to wit, "Olive Oil," was false and misleading, and deceived and misled the purchaser, 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. Adulteration [misbranding] of the article was alleged for the further reason that it purported to be a foreign product, whereas, in fact, it was a product of domestic manufacture, packed in the United States. Misbranding of the article was alleged 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 in terms of weight, measure, or numerical count.

On April 17, 1918, A. S. Johnson, of Providence, R. I., claimant, having filed a claim and answer, and the case having come on for hearing on the pleadings, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be released to said claimant upon the payment of the costs of the proceedings and the execution of a satisfactory bond, in conformity with section 10 of the act.

J. R. Riggs, Acting Secretary of Agriculture.