

as amended. The article was labeled in part: "Net Contents $\frac{1}{2}$ Gallon * * * Pure Olive Oil Olio D'Oliva Puro Vittoria Brand * * * Lyriotakis Bros., Importers & Packers New York * * *"

Misbranding of the article was alleged in the libel for the 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, since the quantity stated thereon was greater than the actual contents of the package.

On January 19, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10187. Adulteration of canned cherries. U. S. * * * v. 129 Cases * * * of Canned Cherries. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 15077. I. S. No. 538-t. S. No. C-3083.)

On June 23, 1921, the United States attorney for the Southern District of Ohio, 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 129 cases of canned cherries, remaining unsold in the original cases at Steubenville, Ohio, consigned by the South Haven Preserving Co., Gobleville, Mich., August 9, 1919, alleging that the article had been shipped from Gobleville, Mich., and transported from the State of Michigan into the State of Ohio, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Can) "South Haven Brand Pitted Cherries * * * South Haven Preserving Co., Factories: South Haven & Gobleville, Mich."

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

On December 10, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10188. Misbranding of crab meat. U. S. * * * v. Washington L. Tull and W. Edwin Riggin (W. L. Tull & Bro.). Pleas of nolo contendere. Fine, \$10 and costs. (F. & D. No. 15429. I. S. No. 6661-t.)

On November* 28, 1921, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Washington L. Tull and W. Edwin Riggin, trading as W. L. Tull & Bro., Crisfield, Md., alleging shipment by said defendants, on or about May 25, 1921, in violation of the Food and Drugs Act, as amended, from the State of Maryland into the State of New York, of a quantity of crab meat which was misbranded.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "Contents 5 Lbs. Net," borne on the cans containing the article, regarding the article, was false and misleading in that it represented that each of the said cans contained 5 pounds net of the said article, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of the said cans contained 5 pounds net of the article, whereas, in truth and in fact, each of the said cans did not contain 5 pounds net of the said article but did contain a less amount. Misbranding was alleged for the further reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On November 28, 1921, the defendants entered pleas of nolo contendere to the information, and the court imposed a fine of \$10 and costs.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10189. Adulteration of coriander seed. U. S. * * * v. 4 Sacks * * * of Coriander Seed. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 15688. I. S. No. 1239-t. S. No. C-3343.)

On December 2, 1921, the United States attorney for the Eastern District of Missouri, 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 4 sacks of coriander seed, remaining unsold in the original