10844. Adulteration and misbranding of tea. U. S. v. 4 Cartons, Half-Pound Cans, of King George Flowery Orange Pekoe Tea, 8 Cartons of Bohea's Special Orange Pekoe Ceylon Tea, and 24 Half-Pound Cans of King George Scientifically Blended Green and Black Tea. Default decree of condemnation and forfeiture. Product ordered sold. (F. & D. No. 15929. I. S. Nos. 4327–t, 4328–t, 4332–t. S. No. C–3399.)

On January 21, 1922, the United States attorney for the Western District of Arkansas, 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 cartons, half-pound cans, of King George Flowery Orange Pekoe tea, 8 cartons of Bohea's Special Orange Pekoe Ceylon tea, and 24 half-pound cans of King George Scientifically Blended Green and Black tea at Fort Smith, Ark., alleging that the article had been shipped on or about June 4, 1921, by the Bohea Importing Co., Camden, Md., and transported from the State of Maryland into the State of Arkansas, and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration of the article was alleged in substance in the libel for the reason that other than the products stated and specified on the labels were used wholly or in part in lieu of the articles mentioned in the labels.

Misbranding was alleged in substance for the reason that the packages contained a less amount and inferior substance to what they purported to contain, and for the further reason that said article was offered for sale under the distinctive name of another article so as to deceive and mislead the purchaser, and that the same was falsely and knowingly mislabeled and misbranded so as to represent falsely to the purchaser thereof and create in the mind of the purchaser thereof the impression and belief that the article was composed of and contained the ingredients or food properties and value as set out on the label, when, in truth and in fact, it was not.

On August 2, 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 sold by the United States marshal at public auction.

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

10845. Misbranding of olive oil. U. S. v. 2 Cases, Gallon and Half-Gallon Cans, of Olive Oil. Default decree of condemnation and forfeiture. Product ordered sold. (F. & D. No. 15546. I. S. Nos. 12816–t, 12817–t. S. No. W–1044.)

On January 27, 1922, the United States attorney for the District of Utah, 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 1 case containing one-gallon cans and 1 case containing half-gallon cans of olive oil, remaining in the original unbroken packages at Hiawatha, Utah, alleging that the article had been shipped on or about September 14, 1921, by Andrea Russo & Co., Chicago, Ill., and transported from the State of Illinois into the State of Utah, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: "One Gallon Net" or "Half Gallon Net Marca Diana Brand Superfine Olive Oil of Guaranteed Purity A. R. Co."

Misbranding of the article was alleged in the libel for the reason that the statement on the label, "One Gallon Net" or "Half Gallon Net," was false and misleading in that the net contents was not one gallon net or one-half gallon net, and for the further reason that the article was in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On March 28, 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 so labeled and branded as to correctly designate the contents thereof and sold by the United States marshal at public auction.

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

10846. Misbranding of tea. U. S. v. 36 One-Pound Cans of Scientifically Blended Green and Black Tea and 336 One-Fourth-Pound Cans of Green and Black Tea. Default decree of condemnation and forfeiture. Product ordered sold. (F. & D. No. 15966. I. S. Nos. 4338–t, 4339–t. S. No. C–3419.)

On February 3, 1922, the United States attorney for the Western District of Arkansas, 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