

or in part for the said article, and for the further reason that the article was mixed in a manner whereby its damage and inferiority were concealed.

Misbranding of the article was alleged in substance for the reason that the statement, to wit, "Claret Wine Vinegar," appearing on the said bottles, and the statement, to wit, "Claret Vinegar Reduced * * * Grains," appearing on the said barrel, were false and misleading, and for the further reason that it was so labeled for the purpose of deceiving and misleading purchasers into the belief that the said article was genuine claret wine vinegar, or claret vinegar, as the case might be. Misbranding was alleged for the further reason that the article was an imitation of and was offered for sale under the distinctive name of another article.

On May 1, 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. F. MARVIN, *Acting Secretary of Agriculture.*

11032. Misbranding of oranges. U. S. v. Mutual Orange Distributors, a Corporation. Plea of guilty. Fine, \$50. (F. & D. No. 15998. I. S. Nos. 5738-t, 5739-t.)

On April 28, 1922, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Mutual Orange Distributors, a corporation, Redlands, Calif., alleging shipment by said company in violation of the Food and Drugs Act, as amended, on or about May 13, 1921, from the State of California into the State of New York, of quantities of oranges which were misbranded. A portion of the article was labeled in part: "St. Michaels Net Count 324 Diam 2½ In Mutual Sunflower Brand Redlands Mutual Orange Company Redlands, California Mutual Orange Distributors." The remainder of the article was labeled in part: "St. Michaels Net Count 324 Average Diameter 2½ inches. Orange Blossom Brand Washington Navels Grown and Packed by Redlands Mutual Orange Co. Redlands San Bernardino Co. California."

Examination, by the Bureau of Chemistry of this department, of samples taken from both consignments of the article showed that the average diameter of the oranges in the said consignments was 1½ inches and 2 inches, respectively, and that the boxes contained more than 324 of the small oranges.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "Net Count 324 Average Diameter 2½ inches" (or "Diam 2½ In"), borne on the boxes containing the article, regarding the said article, was false and misleading in that the said statement represented that each of the said boxes contained 324 oranges and that the average diameter of said oranges was 2½ inches, 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 said boxes contained 324 oranges and that the average diameter of said oranges was 2½ inches, whereas, in truth and in fact, each of said boxes did not contain 324 oranges and said oranges did not average 2½ inches in diameter. 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 June 26, 1922, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

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

11033. Adulteration and misbranding of olive oil. U. S. v. Vincent Carrara. Plea of guilty. Fine, \$50. (F. & D. No. 16213. I. S. No. 6266-t.)

On May 26, 1922, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Vincent Carrara, New York, N. Y., alleging shipment by said defendant, in violation of the Food and Drugs Act, as amended, on or about March 30, 1921, from the State of New York into the State of New Jersey, of a quantity of olive oil which was adulterated and misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted chiefly, if not entirely, of cottonseed oil. Examination by said bureau showed that the average volume of 51 cans was 0.8 gallon and that the cans varied in volume from 0.73 to 0.93 gallon.

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

Misbranding was alleged for the reason that the statements, to wit, "Extra Fine Olive Oil Olio d'Oliva Purissimo Importato Italia Brand 1 Gallon Net," borne on the cans containing the article, regarding the said article and the ingredients and substances contained therein, were false and misleading in that the said statements represented that the article was olive oil, that it was a foreign product, to wit, olive oil produced in the Kingdom of Italy, and that each of the said cans contained 1 gallon net of the article, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was olive oil, that it was a foreign product, to wit, an olive oil produced in the Kingdom of Italy, and that each of the said cans contained 1 gallon net of the said article, whereas, in truth and in fact, it was not olive oil, but was a mixture composed in large part of cottonseed oil, it was not a foreign product, but was a domestic product, to wit, an article produced in the United States of America, and each of said cans did not contain 1 gallon net of the said article, but did contain a less amount. Misbranding was alleged for the further reason that the article was a mixture composed in large part of cottonseed oil, prepared in imitation of and offered for sale and sold under the distinctive name of another article, to wit, olive oil, for the further reason that it purported to be a foreign product when not so, 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 package.

On September 26, 1922, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$50.

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

11034. Adulteration and misbranding of minced clams. U. S. v. 4 Dozen Cases of Minced Clams. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 16314. I. S. No. 10964-t. S. No. W-1080.)

On May 13, 1922, the United States attorney for the District of Oregon, 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 dozen cases of minced clams, remaining in the original unbroken packages at Portland, Oreg., alleging that the article had been shipped by the Grays Harbor Fisheries & Packing Co., Inc., Aberdeen, Wash., April 14, 1922, and transported from the State of Washington into the State of Oregon, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Can) "Royal Club Brand Minced Clams."

Adulteration of the article was alleged in substance in the libel for the reason that excessive water or clam juice had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted wholly or in part for normal minced clams of good commercial quality.

Misbranding was alleged in substance for the reason that the statement appearing on the label of the can containing the article, to wit, "Minced Clams," was false and misleading and deceived and misled the purchaser.

On June 12, 1922, Grays Harbor Fisheries Co., Inc., Aberdeen, Wash., claimant, having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$250, in conformity with section 10 of the act.

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

11035. Adulteration and misbranding of cocoa. U. S. v. 76 Cases of Cocoa. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 16390. S. No. E-3894.)

On June 14, 1922, 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 a libel for the seizure and condemnation of 76 cases of cocoa, consigned on or about October 19, 1921, remaining in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped by the C. H. Jones Co., New York, N. Y., and trans-