Misbranding of all the brands of the article except the La Vittoria Degli Alleati brand was alleged in the information for the reason that the statement, to wit, "Net Contents 1 Gal.," or "Net Contents ½ Gallon," or "½ Gallon Net," borne on the cans containing the article, regarding it, was false and misleading in that it represented that each of the cans contained 1 gallon net or ½ gallon net of the article, as the case might be, 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 cans contained 1 gallon net or ½ gallon net of the article, whereas, in truth and in fact, each of said cans did not contain 1 gallon net or ½ gallon net of the article, but did contain a less amount. Misbranding of all the brands of the article was alleged for the 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.

Adulteration of the La Vittoria Degli Alleati brand was alleged for the reason that oils other than olive oil had been mixed and packed with the article so as to lower and reduce and injuriously affect its quality and strength, and had been substituted in part for olive oil, which the article purported to be. Misbranding of this article was alleged for the further reason that the statements, to wit, "Olio Puro" and "Net Contents Half Gallon," together with the designs and devices of the Italian flag, Italian shield, Italian soldier, and map of Italy, borne on the cans containing the article, regarding it and the ingredients and substances contained therein, were false and misleading in that they represented that the article was a foreign product, to wit, an olive oil produced in the kingdom of Italy, and that each of said cans contained ½ 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 a foreign product, to wit, an olive oil produced in the kingdom of Italy, and that each of said cans contained ½ gallon net of the article, whereas, in truth and in fact, it was not a foreign product, to wit, an olive oil produced in the kingdom of Italy, but said article was a domestic product, to wit, a product produced in the United States of America, and each of said cans did not contain ½ gallon net of the article, but contained less than ½ gallon net of the article; and for the further reason that the statements, designs, and devices appearing on the cans as aforesaid purported said article to be a foreign product, when not so.

On January 7, 1920, the defendants entered pleas of guilty to the information, and the court imposed a fine of $90.

E. D. BALL, *Acting Secretary of Agriculture.*

7640. Adulteration and misbranding of a product purporting to be cocoa. U. S. * * * v. 384 Packages * * * and 960 Packages * * * of a Product Purporting to be Cocoa. Default decree of condemnation, forfeiture, and destruction. (F. & D. Nos. 11196–11205, inc., 11228, 11229. I. S. Nos. 7638–r, 7639–r. S. No. C–1460.)

On September 17, 1919, the United States attorney for the District of Indiana, 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 384 packages, each containing ½ pound, and 960 packages, each containing ⅕ pound, of a product purporting to be cocoa, remaining unsold in the original unbroken packages at Marion, Ind., alleging that the article had been shipped on or about March 24, 1919, by the National Cocoa Mills, New York, N. Y., and transported from the State of New York into the State of Indiana, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled, "My Own Pure Cocoa. Net Weight one-

fifth pound" or "one-half pound," as the case may be, "* * * The Cocoa Contained in this package is Positively High Grade and guaranteed by the manufacturers to comply with all Federal and State Food Laws. It is a breakfast cocoa of Superior Quality and Excellence * * * Absolutely Pure No Alkalis No Chemicals * * *" (inconspicuously stamped on side panel) "My own cocoa compound containing corn starch cocoa sugar."

It was alleged in substance in the libel that the strength and purity of the product fell below the standard professed in the marks and brands as above quoted, and [it] was not the product that it purported to be by the aforesaid marks and brands, and that certain foreign substances had been substituted in whole or in part for cocoa, so as to reduce and lower and injuriously affect the quality and strength of the article, and that the same was adulterated.

It was further alleged in substance that the aforesaid marks and brands on each of the packages, regarding the article, were false and misleading in that the article was an imitation of the product which it purported to be by the aforesaid marks and brands; it was further alleged that the product was an imitation of, and offered for sale under the name set forth in said marks and brands, and said product was not the product named in said marks and brands. It was alleged that the product was further misbranded in that the statement "Cocoa" in prominent letters appeared on the front and back panels of the packages and the statement "Pure Cocoa" appeared on each side of the packages, and the statement "The Cocoa Contained in this package is Positively High Grade" appeared on the side panel of the packages, and said statements and each of them were false and misleading in that the product was an imitation of the product which it purported to be by the aforesaid marks and brands. It was further alleged that the statements "Cocoa," "Pure Cocoa," and "The Cocoa Contained in this package is Positively High Grade," all of which statements appeared in conspicuous type, were not sufficiently corrected by the statement inconspicuously stamped on the side panel of the package, to wit, the statement, "My own cocoa compound containing corn starch cocoa sugar." It was alleged that the product in a portion of said packages was misbranded for the further reason that certain of the packages were labeled "Net Weight ⅕ Lb.," whereas the product 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 or measure.

On February 24, 1920, 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 after the removal and obliteration of all branding on the product and the rebranding of the same "Cocoa containing Corn Starch and Sugar." On April 3, 1920, it appearing to the court that the marshal had found it impossible to sell the product, it was ordered by the court that the marshal destroy the same.

E. D. BALL, *Acting Secretary of Agriculture.*

7641. Adulteration of oranges. U. S. * * * v. 462 Boxes of Oranges. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 9709. I. S. Nos. 5765–r, 5766–r. S. No. C–1067.)

On February 3, 1919, the United States attorney for the Western 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 462 boxes of oranges, remaining unsold in the original unbroken packages at Kansas City, Mo., alleging that the article had been shipped on or about January 25, 1919, by the Sutherland Fruit Co., Riverside, Calif.,