

Misbranding of the article was alleged in the libel for the reason that the article was billed and invoiced as "Imp. Olive Oil," whereas, in truth and in fact, the article was not "Imp. Olive Oil," but contained a mixture of cottonseed oil and olive oil, and that the invoicing and billing of the article was calculated to deceive and mislead the purchasers of the article. Misbranding was further alleged in that the article was an imitation of, and was offered for sale under the distinctive name of, another article, to wit, "Imp. Olive Oil," whereas the article was not "Imp. Olive Oil," but was a mixture of cottonseed oil and olive oil. Misbranding was further alleged in that the quantity of the contents of each of the cans was not correctly stated on the cans in that the said cans were labeled "5 Gal. Net," whereas each can contained a less amount of oil than 5 gallons.

On February 4, 1919, the French Sardine Co., Smith & Doyle, and the Southern California Fish Co., claimants, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to said claimants, or any of them, upon the payment of the costs of the proceedings and the execution of a bond in the sum of \$3,000, conditioned in part that the product be labeled "Cottonseed Oil Flavored with Olive Oil 4 8 Gals.," and when so labeled be inspected by an inspector of this department.

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

**7710. Adulteration of raisins. U. S. \* \* \* v. 2400 Cases \* \* \* Ungraded Raisins. Consent decree of condemnation and forfeiture. Product ordered released under bond. (F. & D. No. 11153. I. S. No. 3026-r. S. No. W-178 )**

On September 3, 1919, the United States attorney for the Western District of Washington, 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 2400 cases, labeled in part "California Associated Raisins Co. Eat Raisins 25 Pounds Net Ungraded Raisins," remaining unsold in the original unbroken packages at Seattle, Wash., alleging that the article had been received on or about August 19, 1919, at Seattle, Wash., having been consigned by E. Y. Foley, San Francisco, Calif., and transported from the State of California into the State of Washington, and charging adulteration under the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that sand had been mixed and packed with the article so as to reduce, lower, and injuriously affect its quality and strength, and that it consisted wholly or in part of a filthy, decomposed, and putrid vegetable substance.

On November 24, 1919, E. Y. Foley, claimant, having consented to 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 the payment of the costs of the proceedings and the execution of a bond in the sum of \$2,500, in conformity with section 10 of the act, conditioned in part that the product be denatured under the direction of this department.

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

**7711. Adulteration and misbranding of olive oil. U. S. \* \* \* v. Nicholas Cosentino. Plea of guilty. Fine, \$50. (F. & D. No. 11122. I. S. Nos. 7504-r, 7505-r.)**

On January 7, 1920, the United States attorney for the Eastern District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against

Nicholas Cosentino, Detroit, Mich., alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about March 4, 1918, from the State of Michigan into the State of Illinois, of quantities of olive oil which was adulterated and misbranded. The article was labeled in part, "Italy Pure Olive Oil \* \* \* Lucca Toscana \* \* \* Olio d'Oliva."

Analysis of a sample of the product made in the Bureau of Chemistry of this department showed that it contained a considerable proportion of cottonseed oil.

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

Misbranding of the article was alleged in the information for the reason that the statements, to wit, "Italy Pure Olive Oil," "Olio D'Oliva," "Lucca Toscana," together with the designs and devices of an Italian coat of arms and of medals appearing thereon, were false and misleading, and deceived and misled the purchaser in that they represented to purchasers that the same was olive oil and a foreign product, whereas, in fact and in truth, the said article was not olive oil, but consisted in part of a domestic product, and was not olive oil, nor was the same wholly a foreign product.

On January 9, 1920, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$50.

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

**7712. Misbranding of dairy feed. U. S. \* \* \* v. Omaha Alfalfa Milling Co., a Corporation. Plea of guilty. Fine, \$10. (F. & D. No. 11121. I. S. Nos. 11035-r, 11056-r.)**

On March 5, 1920, the United States attorney for the District of Nebraska, 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 Omaha Alfalfa Milling Co., a corporation, alleging shipment by the said defendant company, in violation of the Food and Drugs Act, on or about July 19, 1918, and February 6, 1918, from the State of Nebraska into the State of Michigan, of quantities of dairy feed which was misbranded. The article was labeled in part, "Beauty Dairy Feed \* \* \* Guaranteed Analysis Protein 24 per cent."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the shipment of July 19 contained 21.6 per cent of protein, and that the shipment of February 6 contained 20.7 per cent of protein.

Misbranding of the article was alleged in the information for the reason that the statement "Protein 24 per cent" was false and misleading and deceived and misled the purchaser, in that it represented to the purchaser of said article that the same contained not less than 24 per cent of protein, whereas, in fact and in truth, the said article did contain less than 24 per cent of protein.

On April 5, 1920, the defendant company entered a plea of guilty to the information, and the court imposed a fine of \$10.

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

**7713. Misbranding of Lung Vita. U. S. \* \* \* v. 6 Dozen Large Bottles and 3 Dozen Small Bottles of Lung Vita. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 11112. I. S. No. 7316-r. S. No. C-1431.)**

On August 25, 1919, the United States attorney for the District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the District Court