

cocoa, and said cocoa shells had been mixed with the article in a manner whereby its inferiority to said powdered cocoa was concealed.

Misbranding was alleged for the reason that the article was a mixture composed in part of cocoa shells prepared in imitation of powdered cocoa, and was offered for sale and sold under the distinctive name of another article, to wit, powdered cocoa.

On May 10, 1919, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$25.

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

7865. Adulteration of frozen eggs. U. S. * * * v. 450 Cases * * * of Frozen Eggs. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 9764. I. S. No. 5625-r. S. No. C-1075.)

On February 20, 1919, the United States attorney for the Northern District of Illinois, 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 450 cases, more or less, each containing 2 40-pound cans of frozen eggs, at Chicago, Ill., alleging that the article had been shipped by the Jerpe Commission Co., Omaha, Nebr., on December 11, 1918, and transported from the State of Nebraska into the State of Illinois, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a decomposed animal substance, for the further reason that it consisted in part of a filthy animal substance, and for the further reason that it consisted in part of a putrid animal substance.

On March 30, 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 destroyed by the United States marshal.

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

7866. Adulteration and misbranding of olive oil. U. S. * * * v. 25 * * * and 17 * * * Cans of Olive Oil, So Called. Default decree of condemnation and forfeiture. Product ordered sold. (F. & D. No. 10795. I. S. Nos. 14206-r, 14207-r. S. No. E-1592.)

On June 30, 1919, the United States attorney for the District of Connecticut, 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 25 gallon cans and 17 $\frac{1}{2}$ -gallon cans of so-called olive oil, remaining unsold in the original unbroken packages at New London, Conn., alleging that the article had been shipped on or about May 7, 1919, by the Economou-Ritsos Co., Inc., New York, N. Y., and transported from the State of New York into the State of Connecticut, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part, "Olio Sopraffino * * * Victory Brand * * * Packed by Economou-Ritsos Co., Inc., New York."

Adulteration of the article was alleged in the libel for the reason that there had been mixed and packed therewith another oil, to wit, cottonseed oil, so as to reduce and lower and injuriously affect its quality and strength, and for the further reason that cottonseed oil had been substituted almost wholly for the product purporting to be olive oil.

Misbranding of the article was alleged in substance in the libel for the reason that the labels of the cans bore certain statements, designs, and devices,

regarding the article, which were false and misleading, that is to say, the following words, "Olio Sopraffino * * * raccomandata specialmente per insalata * * * e garentito migliore di tutti," and also bore the design of the Italian flag and sprays of olive branches, the above statement not being corrected by the statement in inconspicuous type, "Cottonseed salad oil flavored with pure olive oil, a compound," which statements, designs, and devices were intended to be of such a character as to induce the purchaser to believe that the product was olive oil, when, in truth and in fact, it was not; for the further reason that said product purported to be a foreign product, when, in truth and in fact, it was a product of domestic manufacture packed in the United States; for the further reason that the labels of the article bore the words, "One Gallon" and "One-Half Gallon," respectively, whereas there was an appreciable shortage in volume in each can; 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 in terms of weight, measure, or numerical count; and for the further reason that said article was an imitation of, and was offered for sale under the distinctive name of another article, to wit, olive oil.

On October 20, 1919, 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.

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

7867. Adulteration of evaporated apples. U. S. * * * v. 25 Boxes of Evaporated Apples. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 9091. I. S. No. 16561-p. S. No. W-228.)

On June 26, 1918, the United States attorney for the District of Colorado, 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 25 boxes of evaporated apples, remaining unsold in the original unbroken packages at Denver, Colo., alleging that the article had been shipped on or about April 3, 1918, and transported from the State of New York into the State of Colorado, and charging adulteration in violation of the Food and Drugs Act. The boxes were labeled, in part, "25 lbs. Net Fancy Whole Evaporated Apples Packed by Hartman & Co., Rochester, N. Y., Sulphured, The Morey Mercantile Company, Denver, Colo."

Adulteration of the article was alleged in the libel for the reason that it consisted in part of decomposed vegetable substance and was moldy, the surface being practically covered by green-gray mold and the product having an offensive odor.

On August 26, 1918, 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.

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

7868. Adulteration and misbranding of vinegar. U. S. * * * v. Ozark Cider & Vinegar Co., a Corporation (O. L. Gregory Co.). Plea of guilty. Fine, \$75 and costs. (F. & D. No. 9234. I. S. Nos. 8116-p, 8952-p.)

On November 22, 1918, 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 an information against the Ozark Cider & Vinegar Co., a corporation, Siloam Springs, Ark., alleging