

Misbranding of the said olive oil was alleged for the reason that the statements, to wit, "Pure Olive Oil," "Olio Puro D'Oliiva," and "Lucca, Italy," borne on the cans containing the article, and the statements "Net Contents One Half Gallon" or "Net Contents One Full Gallon," as the case might be, borne on the cans containing a portion of the said article, were false and misleading, in that they represented that the article was olive oil, that it was a foreign product, to wit, a product produced in Lucca, Italy, and that the cans containing the said portion contained 1 gallon or one-half gallon 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 it was olive oil, that it was a foreign product, and that the cans containing the said portion contained 1 gallon or one-half gallon of the article, as the case might be, whereas it was not olive oil but was a product composed in whole or in part of cottonseed oil, it was not a foreign product but was a domestic product produced in the United States of America, and the cans containing the said portion contained less of the product than declared on the labels. Misbranding was alleged for the further reason that it was a product composed in whole or in part of cottonseed oil prepared in imitation of and offered for sale under the distinctive name of another article, to wit, olive oil, and for the further reason that the statements borne on the labels purported the article to be a foreign product when not so.

Misbranding of the salad oil was alleged for the reason that the statements, to wit, "Flavored With High Grade Genuine Olive Oil" and "Net Contents 1 Gallon," borne on the cans containing the article, were false and misleading, in that they represented that the article was a product flavored with high grade genuine olive oil, and that each of the said cans contained 1 gallon net thereof, 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 product flavored with high grade genuine olive oil, and that each of the said cans contained 1 gallon net thereof, whereas it was not a product flavored with high grade genuine olive oil but was a product which contained no flavor of olive oil, and each of said cans did not contain 1 gallon net of the article but did contain a less amount.

Misbranding was alleged with respect to both products for the further reason that they were food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages.

On June 15, 1925, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$100.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13504. Adulteration of chestnuts. U. S. v. 38 Barrels of Chestnuts. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 19421. I. S. No. 4902-v. S. No. C-4597.)

On December 23, 1924, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 38 barrels of chestnuts, remaining in the original unbroken packages at Youngstown, Ohio, alleging that the article had been shipped by the Italian Importing Co., New York, N. Y., on or about October 22, 1924, and transported from the State of New York into the State of Ohio, 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 whole or in part of a filthy, decomposed, or putrid vegetable substance.

On May 2, 1925, 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.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13505. Adulteration and misbranding of canned tuna. U. S. v. 9 Cases of Tuna. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 19931. I. S. No. 14381-v. S. No. E-5198.)

On March 28, 1925, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 9 cases of tuna, remaining in the original unbroken packages