

13918. Misbranding of olive oil. U. S. v. 24 One-Gallon Cans, et al., of Olive Oil. Decrees of condemnation and forfeiture. Product released under bond. (F. & D. No. 20111, 20178. I. S. Nos. 24522-v, 24523-v, 24966-v, 24967-v. S. Nos. E-5313, E-5330.)

On May 25 and June 10, 1925, respectively, the United States attorney for the District of Connecticut, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 72 gallon cans, 48 half-gallon cans, and 44 quart cans of olive oil, remaining in the original unbroken packages at Bridgeport, Conn., alleging that the article had been shipped by A. Gash, New York, N. Y., in part on or about March 30, 1925, and in part on or about May 19, 1925, and transported from the State of New York into the State of Connecticut, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Can) "Italian Product Virgin Olive Oil Agash Brand Italy Net Contents One Full Gallon" (or "Net Contents One Half Gallon" or "Net Contents One Full Quart").

Misbranding of the article was alleged in substance in the libels for the reason that the labels on the said cans bore the following statements, "Net Contents One Full Gallon," "Net Contents One Half Gallon," and "Net Contents One Full Quart," as the case might be, which statements were intended to be of such a character as to induce the purchaser to believe that the said cans contained the amount of the product declared on the label thereof, whereas, in truth and in fact, they did not. 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 August 13, 1925, Abraham Gash, New York, N. Y., having appeared as claimant for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of bonds in the aggregate sum of \$600, in conformity with section 10 of the act, conditioned in part that the shortage in volume be corrected by recanning or relabeling the product to the satisfaction of this department.

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

13919. Adulteration of chestnuts. U. S. v. 17 Bags of Chestnuts. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 20551. I. S. No. 7179-x. S. No. E-5529.)

On November 5, 1925, 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 a libel praying the seizure and condemnation of 17 bags of chestnuts, remaining in the original unbroken packages at New York, N. Y., alleging that the article has been shipped by Gioachino Massia, from Canea, Italy, December 14, 1924, and transported from a foreign country into the State of New York, 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, putrid, or decomposed vegetable substance.

On November 24, 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.*

13920. Adulteration and misbranding of olive oil. U. S. v. 12 One-Gallon Cans, et al., of Olive Oil. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 20068. I. S. Nos. 24507-v, 24508-v, 24509-v. S. No. E-5307.)

On May 18, 1925, 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 praying the seizure and condemnation of 12 gallon cans, 9 quart cans, and 6 half-gallon cans of olive oil, remaining in the original unbroken packages at Bristol, Conn., consigned in interstate commerce from the State of Rhode Island into the State of Connecticut, alleging that the article had been shipped by Pace & Sons, of Providence, R. I., into the State of Connecticut, in part on or about February 6, 1925, and in part on or about April 7, 1925, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part:

(Can) "Pure Italian Olive Oil Cav. Rocco Pace & Figli Ortona a Mare (Italy) Contents One Full Gallon" (or "Contents One Quart" or "Contents One Half Gallon") "Products Of Italy This Oil Is Our Own Production And Is Guaranteed To Be Pure Under Any Chemical Analysis. * * * For * * * Medicinal Use."

Adulteration was alleged in the libel with respect to the quart and half gallon size cans of the article for the reason that cottonseed oil 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 the said article.

Misbranding was alleged with respect to the said portion of the product for the reason that the cans containing the article bore the following statements: "Pure Italian Olive Oil Cav. Rocco Pace & Figli Ortona a Mare (Italy) Products of Italy "This Oil Is Our Own Production And Is Guaranteed To Be Pure Under Any Chemical Analysis. * * * For * * * Medicinal Use," which statements were intended to induce the purchaser to believe that the article was a foreign product and pure olive oil, when, in truth and in fact, it was not. Misbranding of the said portion was alleged for the further reason that the article was an imitation of and offered for sale under the distinctive name of another article and for the further reason that it purported to be a foreign product when not so.

Misbranding was alleged with respect to the gallon size cans of the product for the 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 August 5, 1925, Pace & Sons, Providence, R. I., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$200, in conformity with section 10 of the act.

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

13921. Adulteration of chestnuts. U. S. v. 35 Bags and 108 Bags of Chestnuts. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. 20561. I. S. Nos. 7904-x, 7905-x. S. No. E-5542.)

On November 5, 1925, 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 a libel praying the seizure and condemnation of 143 bags of chestnuts, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by Andrea De Stefano, from Monteforte Irpino (Avellino), Italy, January 7, 1925, and transported from a foreign country into the State of New York, 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, putrid, or decomposed vegetable substance.

On November 10, 1925, Silvestro De Falca, claimant, having admitted the allegations of the libel and 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 the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act, conditioned in part that it be sorted under the supervision of this department, the bad portion destroyed or denatured, and the good portion released.

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

13922. Adulteration and misbranding of canned oysters. U. S. v. 124 Dozen Cans, et al. of Oysters. Consent decrees of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 20249, 20250, 20332. I. S. Nos. 23182-v, 24628-v, 2430-x, 2521-x. S. Nos. C-4769, C-4779, C-4803.)

On July 16 and 17 and August 10, 1925, respectively, the United States attorney for the District of Kansas, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 1,006 cases and 124 dozen cans of oysters, remaining in the original unbroken packages in various lots