

(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

at Winfield, Arkansas City, and Salina, Kansas, respectively, alleging that the article had been shipped by the C. B. Foster Packing Co., from Biloxi, Miss., in various consignments, namely, on or about January 8 and 9 and March 26, 1925, respectively, and transported from the State of Mississippi into the State of Kansas, and charging adulteration and misbranding in violation of the food and drugs act as amended. A portion of the article was labeled in part: "Contents 5 Oz. Avd. Oyster Meat." The remainder of the said article was labeled in part: "Riviera Brand Oysters Contents 5 Oz. Packed By C. B. Foster Packing Co. Biloxi, Miss," or "Pedigree Brand Oysters Packed By C. B. Foster Packing Co. Inc. Biloxi, Miss. Contents 5 Oz.," as the case might be.

Adulteration of the article was alleged in the libels for the reason that excessive brine had been mixed and packed therewith so as to injure, lower, and affect its quality, purity, and strength.

Misbranding was alleged for the reason that the statements, "Contents 5 Oz. Avd. Oyster Meat," "Contents 5 Oz.," or "Contents 5 Oz.," as the case might be, borne on the respective labels of the said article, were false and misleading. Misbranding was alleged for the further reason that the article was in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On August 26, 1925, and September 24, 1925, respectively, the C. B. Foster Packing Co., Biloxi, Miss., and McManus-Heryer Brokerage Co., Wichita, Kans., having appeared as claimants for respective portions of the product, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the respective claimants upon payment of the costs of the proceedings and the execution of bonds in the aggregate sum of \$1,500, in conformity with section 10 of the act, conditioned in part that it be relabeled to show the true contents.

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

**13923. Misbranding and alleged adulteration of vinegar. U. S. v. 35 Barrels of Vinegar. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 15697. I. S. No. 14917-t. S. No. C-3350.)**

On December 6, 1921, 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 a libel praying the seizure and condemnation of 35 barrels of vinegar, remaining in the original unbroken packages at Pontiac, Mich., alleging that the article had been shipped by the Douglas Packing Co., from Canastota, N. Y., October 24, 1921, and transported from the State of New York into the State of Michigan, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Douglas Packing Co. Apple Cider Vinegar Made From Selected Apples \* \* \* Rochester, N. Y."

Adulteration of the article was alleged in the libel for the reason that vinegar made from evaporated or dried apple products had been mixed and packed therewith so as to injuriously affect its quality and had been substituted wholly or in part for apple cider vinegar made from selected apples, which the said article purported to be.

Misbranding was alleged for the reason that the article was an imitation of and offered for sale under the distinctive name of another article, to wit, apple cider vinegar made from selected apples. Misbranding was alleged for the further reason that the article was labeled "Apple Cider Vinegar Made From Selected Apples," so as to deceive and mislead purchasers, and for the further reason that the statement "Apple Cider Vinegar Made From Selected Apples," borne on the labels, was false and misleading, in that the product contained barium.

On August 4, 1925, the Douglas Packing Co., Syracuse, N. Y., having appeared as claimant for the property and having consented to the entry of a decree, judgment of the court was entered, finding the product misbranded and ordering its condemnation and forfeiture, and it was further 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 \$225, in conformity with section 10 of the act.

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