13974. Misbranding of olive oil and salad oil. U. S. v. 9 One-Gallon Cans of Olive Oil, et al. Default order of destruction entered. (F. & D. Nos. 19153, 19154. I. S. Nos. 20649-v, 20650-v. S. No. W-1477.)

On November 22, 1924, the United States attorney for the District of Utah, 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 gallon cans and 77 quart cans of olive oil and 12 gallon cans of salad oil, remaining in the original unbroken packages at Magna, Utah, alleging that the articles had been shipped by N. G. Makris, from New York, N. Y., on or about October 5, 1923, and transported from the State of New York into the State of Utah, and charging misbranding in violation of the food and drugs act as amended. The olive oil was labeled in part: (Can) "Makris Brand Imported Lucca Olive Oil * * * Net Contents One Gallon" (or "Net Contents One Quart") "B. G. Makris, Importer and Packer, Lucca, Italy, France, New York, U. S. A." The salad oil was labeled in part: (Can) "Il Papa Degli * * * Uncle Sam Oil Our Brand Winter Pressed Vegetable Salad Oil * * * Net Contents One Gallon Packed by B. G. Makris, New York."

Misbranding of the articles was alleged in substance in the libel for the reason that the statements "Net Contents One Gallon" and "Net Contents One Quart," borne on the respective labels, were false and misleading, in that the net contents of the salad cans were not 1 gallon or 1 quart, as the case might be. Misbranding was alleged for the further reason that the articles 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 24, 1925, no claimant having appeared for the property, a decree of the court was entered, finding the products misbranded and ordering that they be destroyed by the United States marshal.

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

13975. Adulteration of canned frozen eggs. U. S. v. 400 Cans of Frozen Eggs. Decree of condemnation entered. Product released under bond. (F. & D. No. 20695. I. S. No. 1948-x. S. No. C-4899.)

On or about December 4, 1925, the United States attorney for the Western District of Kentucky, 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 400 cans of frozen eggs, remaining in the original packages at Louisville, Ky., consigned by Swift & Co., from Fort Wayne, Ind., alleging that the article had been shipped from Fort Wayne, Ind., in interstate commerce into the State of Kentucky, arriving July 6, 1925, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Swift's Frozen Eggs, Swift & Company, Chicago, U. S. A."

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

On or about December 22, 1925, Swift & Co. having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation was entered, and it was ordered by the court that the product be released to the said claimant upon the execution of a bond in the sum of $2,000, in conformity with section 10 of the act, conditioned in part that the claimant separate the decomposed product from the sound product under the supervision of this department and destroy the decomposed portion.

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

13976. Adulteration and misbranding of canned tuna fish. U. S. v. 7 Cases and 35 Cans of Tuna Fish. Default decree of condemnation, forfeiture, and sale. (F. & D. No. 19947. I. S. No. 14151-v. S. No. E-5264.)

On March 31, 1925, the United States attorney for the Middle District of Pennsylvania, 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 7 cases and 35 cans of tuna fish, remaining in the original unbroken packages at Williamsport, Pa., alleging that the article had been shipped by the M. DeBruyn Importing Co., from New York, N. Y., on or about February 18, 1925, and transported from the State of New York into the State of Pennsylvania, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: