

Indianapolis, Ind., alleging that the article had been received from the consignors, the American Fruit Growers, Inc., East Highlands, Calif., March 21, 1922, and had been transported from the State of California into the State of Indiana, and charging adulteration or misbranding in violation of the Food and Drugs Act. The article was labeled in part: "A 1 * * * American Fruit Distributors Main Office Los Angeles, California."

It was alleged in substance in the libel that the said article had been badly tree-frosted so as to reduce, lower, and injuriously affect its quality.

It was further alleged in substance in the libel that the article was adulterated or misbranded in that the said cases did not contain "A 1 Brand Naval Oranges," as branded on each of the cases, but did contain oranges which had been badly tree-frosted.

On May 12, 1922, no claimant having appeared for the property, a decree of the court was entered adjudging the product to be misbranded and ordering that it be sold by the United States marshal in compliance with law.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12093. Alleged adulteration and misbranding of olive oil. U. S. v. Joseph Crisafulli and Stefano Crisafulli (Crisafulli Bros.). Plea of not guilty. Tried to the court and a jury. Verdict of not guilty directed by the court. (F. & D. No. 16556. I. S. Nos. 5493-t, 5494-t, 5498-t, 5499-t, 15480-t.)

On October 4, 1922, 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 an information against Joseph Crisafulli and Stefano Crisafulli, copartners, trading as Crisafulli Bros., New York, N. Y., alleging shipment by said defendants, in violation of the Food and Drugs Act, as amended, in various consignments, namely, on or about June 23, 24, and 25, 1921, respectively, from the State of New York into the State of Massachusetts, of quantities of olive oil which was alleged to have been misbranded, and on or about July 9, 1921, from the State of New York into the State of New Jersey, of a quantity of oil which was alleged to have been adulterated and misbranded. The olive oil was labeled in part: "Contains One Full Gallon * * * Pure Olive Oil * * * Crisafulli Brand * * * Crisafulli Bros." The product involved in the remaining consignment was labeled in part: "Finest Quality Table Oil La Migliore Brand Insuperabile" (picture of olive tree) "Corn Salad Oil Compound With Extra Fine Olive Oil" (the words "Corn Salad Oil Compound" were very small and almost indiscernible, while the words "Olive Oil" were in large and distinct type) "* * * Net Contents One Gallon."

Examination by the Bureau of Chemistry of this department of certain cans taken from each of the consignments of the products showed that the said cans contained less than 1 gallon of the respective products, the shortages disclosed ranging from 2.30 to 4.85 per cent. Analysis of the La Migliore brand table oil showed that it consisted chiefly of corn oil and peanut oil and contained little, if any, olive oil.

Adulteration of the La Migliore brand table oil was alleged in the information for the reason that oils other than olive oil, including peanut oil, had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted practically wholly for olive oil, which the said article purported to be. Adulteration was alleged for the further reason that oils other than olive oil, including peanut oil, had been mixed with the article so as to simulate olive oil and in a manner whereby its damage and inferiority to olive oil were concealed.

Misbranding of the La Migliore brand table oil was alleged in substance for the reason that the statements in large prominent type, to wit, "Finest Quality Table Oil La Migliore Brand Insuperabile * * * Extra Fine Olive Oil," and the statement in smaller type, to wit, "Net Contents One Gallon," together with the pictorial representation of an olive tree and olive branch bearing olives, borne on each of the cans containing the article, regarding the said article, were false and misleading, in that they represented that the article was pure olive oil and that each of the said cans contained 1 gallon net thereof, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was pure olive oil and that each of the said cans contained 1 gallon net thereof, whereas, in truth and in fact, it was not pure olive oil but was composed practically wholly of oils other than olive oil, including peanut oil, and contained an insignificant amount of, if any, olive oil, and each of the said cans did not contain 1 gallon net of the said article but did contain a less quantity.

Misbranding was alleged with respect to the Crisafulli brand olive oil for the reason that the statement, to wit, "Contains One Full Gallon," borne on the cans containing the article, was false and misleading, in that the said statement represented that each of the said cans contained 1 full gallon of the article, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of the said cans contained 1 full gallon of the article, whereas, in truth and in fact, each of said cans did not contain 1 full gallon of the said article but did contain a less quantity.

Misbranding was alleged with respect to all consignments of the 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, since the stated quantity was incorrect and represented more than the actual contents of the packages.

On March 20, 1923, the case came on for trial before the court and a jury. After the submission of evidence, by direction of the court the jury returned a verdict of not guilty.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12094. Misbranding of flour. U. S. v. 600 Sacks, et al., of Flour. Decree ordering release of product under bond to be resacked. (F. & D. No. 18017. I. S. No. 6400-v. S. No. C-4174.)

On November 14, 1923, 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 a libel praying the seizure and condemnation of 600 sacks, 48 pounds each, and 2,106 sacks, 24 pounds each, of flour, at El Dorado, Ark., alleging that the article had been shipped by the Slater Mill & Elevator Co., Slater, Mo., on or about October 20, 1923, and transported from the State of Missouri into the State of Arkansas, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: "Slater Mill & Elevator Co. Cream Of Wheat Menu * * * Highest Patent Slater, Mo. Bleached 48 Lbs." (or "24 Lbs.") "When Packed."

Misbranding of the article was alleged in the libel for the reason that said sacks did not contain 24 pounds and 48 pounds, respectively, of the article but did contain a less number of pounds than declared on the sacks. Misbranding was alleged for the further reason that the quality [quantity] and contents was not plainly and conspicuously marked on the outside of the packages.

On November 30, 1923, the Ritchie Grocery Co., El Dorado, Ark., having appeared as claimant for the property, a decree of the court was entered finding the product misbranded and ordering that it be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$3,000, in conformity with section 10 of the act, conditioned in part that the product be resacked in accordance with law.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12095. Adulteration and misbranding of canned oysters. U. S. v. 22 Cases of Oysters. Default decree entered ordering product disposed of according to law. (F. & D. No. 16674. I. S. Nos. 6502-v, 6503-v. S. No. C-3739.)

On or about August 2, 1922, the United States attorney for the Eastern District of Arkansas, 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 22 cases of oysters, at Pocahontas, Ark., alleging that the article had been shipped by the Hilton Head Packing Co., from Savannah, Ga., on or about June 28, 1922, and transported from the State of Georgia into the State of Arkansas, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. A portion of the article was labeled in part: (Can) "Hilton Head Brand * * * Contains 5 Oz. Oyster Meat Oysters * * * Packed By Hilton Head Packing Co. * * * Savannah, Ga." The remainder of the article was labeled in part: (Can) "American Ace Brand * * * Net Contents 5 Oz. Oyster Meat * * * Packed By Hilton Head Packing Co. Savannah."

Adulteration of the article was alleged in the libel for the reason that excessive brine had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and had been substituted wholly or in part for the said article. Adulteration was alleged for the further reason that the article was mixed in a manner whereby damage or inferiority was concealed.