On January 6, 1921, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

E. D. BALL, *Acting Secretary of Agriculture.*

9177. Misbranding of olive oil. U. S. * * * v. Spyros A. Microutsicos and George A. Microutsicos (Microutsicos Bros.). Pleas of guilty. Fine, $20. (F. & D. No. 14059. I. S. No. 625-r.)

On March 1, 1921, 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 Spyros A. Microutsicos and George A. Microutsicos, trading as Microutsicos Bros., New York, N. Y., alleging shipment by said defendants, in violation of the Food and Drugs Act, as amended, on December 20, 1919, from the State of New York into the State of Florida, of a quantity of olive oil which was misbranded. The article was labeled in part, "Imported French Pure Olive Oil * * * Emperor Brand * * * Net Contents ½ Gall."

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "Net Contents ½ Gall.," borne on the cans containing the article, regarding the article, was false and misleading in that it represented that each of the cans contained one-half gallon net of the article, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of the cans contained one-half gallon net of the article, whereas, in truth and in fact, each of the cans contained a less amount. 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 March 2, 1921, the defendants entered pleas of guilty to the information, and the court imposed a fine of $20.

E. D. BALL, *Acting Secretary of Agriculture.*

9178. Adulteration of tomato purée. U. S. * * * v. 149 Cases of Tomato Purée. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 14062. I. S. No. 5238-t. S. No. E-2942.)

On December 13, 1920, 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 of information praying the seizure and condemnation of 149 cases of tomato purée, at Boston, Mass., consigned by the Girard Canning Co., North Girard, Pa., on October 16, 1920, alleging that the article had been shipped and transported from the State of Pennsylvania into the State of Massachusetts, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part, "Sun-Maid Brand Whole Tomato Puree Packed By Girard Canning Co."

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

On January 31, 1921, 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.

E. D. BALL, *Acting Secretary of Agriculture.*