

and forfeiture, it was ordered by the court that the product be delivered to the said claimant upon the execution of bonds in the aggregate sum of \$15,875, in conformity with section 10 of the act, conditioned in part that it be re-shipped to the factory of the claimant at Portland, Oreg., to be reexamined and reconditioned under the supervision of this department, the bad portion destroyed and the good portion released to the claimant. It was further ordered by the court that, in the event the reconditioning did not result in the complete elimination of the objectionable salmon, the entire lot be destroyed.

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

11628. Adulteration of walnut meats. U. S. v. 2½ Cases of Walnut Meats. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 17218. I. S. No. 8161-v. S. No. W-1301.)

On February 9, 1923, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 2½ cases of walnut meats, remaining unsold in the original unbroken packages at Denver, Colo., consigned by Max Part, Los Angeles, Calif., alleging that the article had been shipped from Los Angeles, Calif., on or about November 29, 1922, and transported from the State of California into the State of Colorado, 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 wholly or in part of a filthy, decomposed, and putrid vegetable substance.

On March 19, 1923, 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.

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

11629. Adulteration of walnut meats. U. S. v. 4 Cases of Walnut Meats. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 17219. I. S. No. 8162-v. S. No. W-1304.)

On February 9, 1923, the United States attorney for the District of Colorado, 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 4 cases of walnut meats, remaining unsold in the original unbroken packages at Denver, Colo., consigned by the Sanitary Nut Shelling Co., Los Angeles, Calif., alleging that the article had been shipped on or about December 29, 1922, and transported from the State of California into the State of Colorado, 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 wholly or in part of a filthy and decomposed vegetable substance.

On April 30, 1923, 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.

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

11630. Misbranding of oil. U. S. v. 3 Cases, et al., of Oil. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 15012. I. S. Nos. 6622-t, 6623-t. S. No. E-3377.)

On June 17, 1921, the United States attorney for the District of New Jersey, 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 3 cases, each containing gallon cans, and ½ case, containing half-gallon cans, of oil, remaining unsold in the original unbroken packages at Paterson, N. J., alleging that the article had been shipped by Abraham Gash, New York, N. Y., on or about May 19, 1921, and transported from the State of New York into the State of New Jersey, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Cans) "Extra Oil Quality * * * The Italian Cook Brand * * * Net Contents 1 Gall." (or "Net Contents ½ Gall.").

Misbranding of the article was alleged in the libel for the reason that the statements, to wit, "Net Contents 1 Gall." and "Net Contents ½ Gall.," borne on the respective-sized cans containing the said article, regarding the net quantity of the article contained therein, were false and misleading and deceived and misled the purchaser, since the said cans contained less than one gallon net and one-half gallon net, respectively. 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 June 21, 1923, 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.

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

11631. Adulteration and misbranding of compound oil. U. S. v. 50 Cans of Oil. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 15158. I. S. No. 7049-t. S. No. E-3593.)

On October 11, 1921, the United States attorney for the District of New Jersey, 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 50 alleged gallon cans of oil at Jersey City, N. J., alleging that the article had been shipped by B. Mayer, New York, N. Y., on or about June 23, 1921, and transported from the State of New York into the State of New Jersey, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Cans) "High Grade Oil Medaglia D'Oro Brand" (pictorial representations of olive branches, Italian medals, a mounted Italian soldier, and an Italian city) "Re d'Italia MB Preparato Per Salse Fritture Insalatae Quallsiasi Altro Uso Di Tavola E Cucina Specially Prepared For Salads Frying Cooking Mayonnaise And For All Dressing;" (in inconspicuous type) "Vegetable Salad Oil Slightly Flavored With Pure Olive Oil A Compound Net Contents One Gallon * * * Packed By B. Mayer New York."

Adulteration of the article was alleged in the libel for the reason that a substance, to wit, cottonseed oil containing no appreciable amount, if any, olive oil, had been substituted wholly or in part for Medaglia D'Oro Brand Re d'Italia high grade oil, to wit, olive oil, which the said article purported to be, and for the further reason that a substance, to wit, cottonseed oil, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and strength.

Misbranding was alleged in substance for the reason that the statements, to wit, "High Grade Oil Medaglia D'Oro Brand," and the pictorial representation of olive branches, Italian medals, mounted Italian soldier, and an Italian city, borne and labeled on the cans containing the article, regarding the said article and the ingredients and substances contained therein, were false and misleading in that the said statements and designs represented the article to be Medaglia D'Oro Brand Re d'Italia high grade oil, to wit, olive oil made in Italy, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was olive oil made in Italy, whereas, in truth and in fact, it was not an Italian-made olive oil but was a product made in the United States of America and was composed wholly or practically wholly of cottonseed oil and contained no determinable amount, if any, olive oil. Misbranding was alleged for the further reason that the article was composed practically wholly of cottonseed oil, containing no appreciable amount, if any, olive oil, and was an imitation of another article, to wit, olive oil, and for the further 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, since the stated quantity, to wit, "Net Contents One Gallon," was incorrect and represented more than the actual contents of the package.

On June 28, 1923, 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.

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

11632. Adulteration and misbranding of oil. U. S. v. 17 Cans, et al., of Oil. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 16625. I. S. Nos. 7109-t, 7110-t, 7111-t. S. No. E-3988.)

On June 26, 1922, the United States attorney for the District of New Jersey, 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 46 cans of oil at Newark, N. J., alleging that the article had been shipped by B. Mayer, New York, N. Y., on or about April 21, 1922, and transported from the State of New York into the State of New Jersey, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: "High Grade Oil Medaglia D'Oro Brand * * * Re d'Italia * * * Net Contents One Gallon" (or "Contents $\frac{1}{2}$ Gallon" or "Contents $\frac{1}{4}$ Gallon").