27777. Misbranding of olive oil. U. S. v. 14 Cases and 56 Cases of Olive Oil. Consent decree of condemnation. Product released under bond to be relabeled. (F. & D. Nos. 39966, 39967. Sample Nos. 49017–C, 49018–C.)

This product was misbranded because it was short in volume; and its label conveyed the impression that it was Italian olive oil, whereas it was a domestic product.

On July 20, 1937, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 70 cases of olive oil at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about April 26, 1937, by the Dyson Shipping Co. from San Francisco, Calif., and charging misbranding in violation of the Food and Drugs Act as amended. It was labeled in part: (Cans) "Gold Deer Brand Pure Olive Oil Manufactured and Packed by Lucca Olive Oil Co. Lucca, Cal. Contents ½ Gallon [or "1 Gallon"]."

The article was alleged to be misbranded in that the statements "Contents ½ Gallon" and "1 gallon," borne on the labels, were false and misleading and tended to deceive and mislead the purchaser when applied to an article that was short in volume; and in that the prominent statements "From Lucca" and "Lucca Olive Oil Co." were false and misleading and tended to deceive and mislead the purchaser, since they implied that the article came from Lucca, Italy, the well-known olive-oil-producing area, and these prominent statements were not corrected by the less conspicuous reference to Lucca, Calif. It was alleged to be misbranded further in 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 statement made was incorrect.

On September 3, 1937, Frank Bennati, Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered providing for release of the product under bond conditioned that it be relabeled.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

27778. Misbranding of canned sardines. U. S. v. 998 Cases of Sardines. Consent decree of condemnation. Product released under bond for relabeling. (F. & D. No. 39972. Sample No. 39332–C.)

This product was short of the declared weight.

On July 24, 1937, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 998 cases of sardines at Portland, Oreg., alleging that the article had been shipped in interstate commerce on or about June 29, 1937, by the Sea Pride Packing Co. from San Francisco, Calif., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "North Star Filets of Sardines * * * Net Contents 9 Ounces or 255 Grams Distributed by North Star Company Seattle."

It was alleged to be misbranded in that the statement, "Net Contents 9 Ounces or 255 Grams," was false and misleading and tended to deceive and mislead the purchaser since the article was short weight; and in 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 quantity stated was not correct.

On August 4, 1937, the North Star Co., Seattle, Wash., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be relabeled to comply with the law.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

27779. Misbranding of canned tomatoes. U. S. v. 916 Cases of Tomatoes. Consent decree of condemnation. Product released under bond for relabeling. (F. & D. Nos. 39973 to 39975, incl. Sample Nos. 50644–C, 50645–C, 50701–C.)

This product fell below the standard for canned tomatoes established by this Department because it did not consist of whole or large pieces, was not normally colored, and it was not labeled to indicate that it was substandard.

On July 16, 1937, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 916 cases of tomatoes at New Orleans, La., alleging that the article had been shipped in interstate commerce on or about June 28, 1937, by the Craddock Canning Co. from Raymondville, Tex., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Cans) "Lee's Own Brand Tomatoes * * *