

to deceive and mislead the purchaser when applied to a product containing tea-seed oil: (Main panels) "[A Venetian scene] Imported Product The best you can buy Lido * * * Superfine First Quality Extra Olive Oil Insuperable Lido * * * This oil is guaranteed pure under chemical analysis, and is recommended for medicinal as well as for table use. * * * Prodotto Importato L'olis migliore che voc' potete comperere * * * Lido Soprafino prima qualita Olio d'Oliva Extra * * * Lido Quest'olio e garantito puro all'analisi chimica. Per la sua estrema bonta e raccomandato anche per uso medicinale Insuperabile"; (top of can) "* * * Lido Prodotto Importato." The article was alleged to be misbranded further in that it was offered for sale under the distinctive name of another article.

On May 22, 1936, no claimant having appeared, decrees of condemnation were entered and it was ordered that the product be destroyed.

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

25950. Adulteration and misbranding of tomato juice. U. S. v. 214 Cases and 844 Cases of Tomato Juice. Decree ordering payment of costs and release of product under bond. (F. & D. nos. 37513, 37645. Sample nos. 62394-B, 62407-B.)

These cases involved shipments of tomato juice that was diluted with water.

On April 3 and May 5, 1936, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 214 cases and 844 cases of tomato juice at Dallas, Tex., alleging that the article had been shipped in interstate commerce on or about November 23, 1935, and January 2, 1936, by Libby, McNeill & Libby, from the State of Colorado, and charging adulteration of that portion of the article labeled in part, "Libby's Fancy Tomato Juice, Libby, McNeill and Libby, Chicago"; and adulteration and misbranding of that portion of the article labeled in part, "Swift's Fancy Tomato Juice * * * Swift and Company, Distributors, General Offices, Chicago", in violation of the Food and Drugs Act.

The article in each shipment was alleged to be adulterated in that water had been mixed and packed with the article so as to reduce or lower its quality or strength and in that water had been substituted wholly or in part for the article.

The article labeled "Swift's Fancy Tomato Juice" was alleged to be misbranded in that the statement "Tomato Juice" was false and misleading and tended to deceive and mislead the purchaser.

On June 1, 1936, the cases having been combined, Libby, McNeill & Libby, claimant for the article having appeared and requested the return of the article, the court entered a decree ordering the payment of costs and the release of said article under bond, on condition that the article should not be sold or disposed of contrary to the provisions of the Food and Drugs Act.

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

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¹ Contains an opinion of the court.

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