

On April 4, 1933, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of eleven 1-gallon cans of oil at Canton, Ohio, alleging that the article had been shipped in interstate commerce by the Oriental Products Co., from Canton, Ohio, to Grand Rapids, Mich., that it had been refused by the consignee and had been returned to Canton, Ohio, and that it was adulterated and misbranded in violation of the Food and Drugs Act. The article was labeled in part: "Olio D'Oliva Misto Santa Maria Brand N.U.S.P. Packed in U.S.A. By Santa Maria Olive Oil Company. \* \* \* Questo Olio D'Oliva." The label also bore designs of olive branches and the Italian national colors.

It was alleged in the libel that the article was adulterated in that cottonseed oil had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength and had been substituted wholly or in part for the article.

Misbranding was alleged for the reason that the statements, "Olio D'Oliva" and "Questo Olio D'Oliva", the designs of olive branches, and the Italian national colors in the main color scheme of the principal panel of the can label were false and misleading and deceived and misled the purchaser when applied to an article consisting chiefly of cottonseed oil of domestic origin. Misbranding was alleged for the further reason that the article purported to be a foreign product when not so, and for the further reason that it was offered for sale under the distinctive name of another article.

On July 11, 1933, no claimant having appeared for the property, judgment of condemnation was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

**21258. Misbranding of olive oil. U. S. v. 96 Cases of Olive Oil. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. no. 30355. Sample no. 31715-A.)**

This case involved a shipment of olive oil, sample cans of which were found to contain less than the declared volume, 1 gallon.

On April 27, 1933, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 96 cases of olive oil at Brooklyn, N.Y., alleging that the article had been shipped in interstate commerce on or about April 1, 1933, by the American Trust Co., from San Francisco, Calif., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Can) "Madonna Brand Pure Olive Oil Packed by Riverbank Canning Co., Riverbank, California Net Contents One Gallon."

It was alleged in the libel that the article was misbranded in that the statement on the can label, "Net Contents One Gallon", was false and misleading and deceived and misled the purchaser, since the cans contained less than 1 gallon. 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 packages, since the statement made was incorrect.

On May 17, 1933, the Riverbank Canning Co., Riverbank, Calif., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned that the cans be filled to full volume.

M. L. WILSON, *Acting Secretary of Agriculture.*

**21259. Misbranding of canned cherries. U. S. v. 600 Cases of Canned Cherries. Consent decree of condemnation. Product released under bond to be relabeled. (F. & D. no. 30553. Sample nos. 29507-A, 29549-A.)**

This case involved a shipment of canned cherries which fell below the standard established by this Department, since they were water-packed cherries, and which were not labeled to indicate that they were substandard.

On June 1, 1933, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 600 cases of canned