

pure olive oil; (2) in that the article purported to be a foreign product, olive oil, when not so; and (3) in that the following statements in the labeling, (Gioiosa brand) "Imported Product Pure Olive Oil. We Guarantee This Olive Oil To Be Absolutely Pure Under Chemical Analysis. Imported Pure Olive Oil [similar statements in Italian and the design of olive branches bearing olives]," and (Superfine brand) "Italian Product Virgin Olive Oil Superfine Brand Lucca—Italia. The purity of this olive oil is Guaranteed Under Chemical Analysis Imported From Italy [similar statements in Italian and design of olive branches bearing olives]," were false and misleading and were borne on the label so as to deceive and mislead the purchaser, since they represented that the article was pure olive oil produced in a foreign country; whereas it was not pure olive oil produced in a foreign country, but consisted in part of domestic cottonseed oil.

On May 31, 1941, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$500.

31153. Adulteration and misbranding of olive oil. U. S. v. 15 Cases of Olive oil (and 6 other seizure actions against olive oil). Consolidated consent decree of condemnation. Product ordered released under bond for re-labeling for export for domestic sale or for use for industrial purposes. (F. & D. Nos. 37399, 37405, 37406, 37419, 37431, 37433, 37495. Sample Nos. 60919-B, 60920-B, 61219-B, 61226-B to 61228-B, incl., 61776-B, 61787-B, 67372-B.)

Samples of this product were found to contain tea-seed oil. Certain lots were also short of the declared volume.

Between March 20 and March 30, 1936, the United States attorney for the District of New Jersey filed libels against 40 cases of half-pint cans, 22 cases of pint cans, 23 gallon cans and 23 half-gallon cans of olive oil at Jersey City; 180 cases of half-pint cans, 140 cases of pint cans, 35 cartons of quart cans, 35 cartons of half-gallon cans, 60 cartons of gallon cans, and 30 gallon cans of olive oil at Newark; and 8 cartons of half-pint cans of olive oil at Atlantic City, N. J., alleging that the article had been shipped in interstate commerce by the Agash Refining Corporation from Brooklyn, N. Y., within the period from on or about September 26, 1935, to on or about March 6, 1936; and charging that it was adulterated and misbranded. It was labeled in part "Agash Brand."

The article was alleged to be adulterated in that tea-seed oil had been mixed and packed therewith so as to reduce or lower its quality or strength; and had been substituted in whole or in part for olive oil, which it purported to be.

It was alleged to be misbranded in that it was offered for sale under the distinctive name of another article, namely, olive oil. It was alleged to be misbranded further in that the following or similar statements and designs appearing on the label were false and misleading and tended to deceive and mislead the purchaser when applied to a product containing tea-seed oil: "[Designs of olive branches, an olive tree, a crown, the Italian Flag, and shield] Italian Product Pure Olive Oil * * * Italy * * * The Olive Oil contained in this can is pressed from fresh picked high grown fruit in Italy. It is specially adapted for medicinal and table use and guaranteed to be absolutely pure * * * Prodotti Italiana Olio d'Olive Pure * * * Italia * * * L'olio d'oliva contenuto in questa latta e stato spremuto da olive fresche raccolte in Italia. Especialmente raccomandato per tavola, medicinale ed e garantito assolutamente puro."

A portion of the 1-gallon, ¼-gallon, and ½-pint cans of the product were alleged to be misbranded further in that the statements, "Net contents one full gallon", "Net contents ¼ gallon," and "Net contents ½ pint," were false and misleading as applied to a product which was short volume. The article in said gallon, ¼-gallon, and ½-pint cans was alleged to be misbranded further in that it was food in package form and the statement of contents was not conspicuously marked on the labels of said packages.

On February 10, 1941, the Agash Refining Corporation, claimant, having withdrawn its answers and having admitted for the purpose of these actions only, the allegations of the libels and the cases having been consolidated, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be examined for rancidity and the edible oil dumped and thoroughly mixed and packed in 50-gallon drums properly labeled for export or that the edible oil be dumped thoroughly, mixed, and packed in consumer-sized packages not larger than 1 gallon and labeled to show its identity as olive oil and tea-seed oil, and that it might be mixed with other oils if properly labeled; but in either disposition the inedible oil was to be disposed of for industrial

purposes or destroyed. The decree provided further that all the product might be denatured and sold for technical use only.

31154. Adulteration and misbranding of olive oil. U. S. v. 299 Gallon Cans, 53 Half-Gallon Cans, and 83 Quart Cans of Olive Oil (and 1 other seizure action involving olive oil). Consent decree of condemnation. Product ordered released under bond for technical use. (F. & D. Nos. 37453, 37454. Sample Nos. 67702-B, 67703-B.)

Examination of this product showed that it contained tea-seed oil and that the half-pint cans contained less than the declared volume.

On March 30, 1936, the United States attorney for the Northern District of Ohio filed libels against 308 gallon-cans, 77 half-gallon cans, 130 quart cans, 62 pint cans, 78 half-pint cans, and 57 2-ounce bottles of olive oil at Youngstown, Ohio, alleging that the article had been shipped in interstate commerce on or about August 28 and October 19 and 25, 1935, by the Agash Refining Corporation from Brooklyn, N. Y.; and charging that it was adulterated and misbranded.

The article was alleged to be adulterated in that tea-seed oil had been mixed and packed therewith so as to reduce its quality or strength and had been substituted wholly or in part for olive oil.

It was alleged to be misbranded: (1) In that the following or similar statements in the labeling, (cans) "Imported Product Pure Olive Oil * * * The Olive Oil contained in this can is pressed from fresh picked high grown fruit. It is especially adapted for medicinal and table use and guaranteed to be absolutely pure * * * Italian Product Pure Olive Oil * * * Italy * * * [designs of an olive tree, olive branches with olives, crown, and the Italian flag and shield]," and (bottles) "Olio d'Oliva Vergine * * * Italia," were false and misleading and tended to deceive and mislead the purchaser when applied to a product containing tea-seed oil. (2) In that it was offered for sale under the distinctive name of another product, i. e., olive oil. (3) (half-pint cans only) In that the statements on the label, "Net Contents One Full Half-Pint * * * Contents $\frac{1}{16}$ Gallone Netto," were false and misleading and tended to deceive and mislead the purchaser when applied to a product in cans containing less than one-half pint. (4) (half-pint cans only) 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.

On June 10, 1942, the cases having been consolidated, and the Agash Refining Corporation, claimant, having admitted the allegations of the libel for the purpose of the instant cases only, judgment of condemnation was entered, and the product was ordered released under bond conditioned that it be transferred to the plant of the claimant and dumped into drums or tanks and denatured and sold for technical use only.

31155. Adulteration and misbranding of olive oil. U. S. v. 12 Dozen Half-pint Cans of Olive Oil (and 2 other seizure actions against olive oil). Default decrees of condemnation. Product ordered sold for technical use. (F. & D. Nos. 37410, 37428, 37518. Sample Nos. 53987-B, 53992-B, 53993-B, 67313-B.)

Examination of this product showed that it contained tea-seed oil; also, that the half-pint cans were short of the declared volume.

On March 10 and 24 and April 22, 1936, the United States attorney for the Eastern District of Pennsylvania filed libels against 12 dozen half-pint cans, 13 cartons each containing 16 half-pint cans, 19 cartons, each containing 1 pint can, and 16 gallon cans of olive oil at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce by the Agash Refining Corporation from Brooklyn, N. Y., within the period from on or about June 13 to December 30, 1935; and charging that it was adulterated and misbranded.

The article was alleged to be adulterated in that tea-seed oil had been mixed and packed therewith so as to reduce or lower its quality or strength and had been substituted in whole or in part for olive oil, which it purported to be.

It was alleged to be misbranded: (1) In that the following or similar statements on the label, "Imported Product Pure Olive Oil," "The Olive Oil contained in this can is pressed from fresh picked high grown fruit * * * It is * * * guaranteed to be absolutely pure," and designs of an olive tree, olive branches, and Italian coat of arms and Italian flag, were false and misleading and tended to deceive and mislead the purchaser when applied to a product containing tea-seed oil. (2) In that it was offered for sale under the distinctive name of another article, i. e., olive oil. The product in the half-pint cans was