

United States Department of Agriculture

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the Food and Drugs Act]

25426-25525

[Approved by the Acting Secretary of Agriculture, Washington, D. C., August 12, 1936]

25426. Misbranding of salad oil. U. S. v. Import Oil Corporation and John Esposito. Pleas of guilty. Corporation fined \$400 on two counts. Remaining fines remitted. (F. & D. no. 33912. Sample nos. 52145-A, 52148-A, 52149-A, 67449-A, 67450-A.)

This case involved a product consisting essentially of cottonseed oil which was labeled to convey the impression that it was imported olive oil.

On March 5, 1935, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Import Oil Corporation and John Esposito, New York, N. Y., alleging shipment by said defendants in violation of the Food and Drugs Act on or about November 6, 1933, and January 22, 1934, from the State of New York into the State of New Jersey, and on or about November 18, 1933, from the State of New York into the State of Connecticut of quantities of salad oil which was misbranded. The article was labeled in part: "Samaritana Brand Oil" [or "Cardinale Brand Oil"] * * * Packed by Import Oil Corp."

The article was alleged to be misbranded in that the statements in large, conspicuous type, "Samaritana * * * Oil * * * Lucca * * * Import Oil", the word "Tipo" preceding the word "Lucca", together with prominent designs showing crowns, shields, olive branches bearing olives, olive trees and a woman bearing away a vase, and design of medals, with respect to the Samaritana brand, and the following statement in large conspicuous type, "Cardinale * * * Oil * * * Lucca * * * Import Oil", and the word "Tipo" preceding the word "Lucca", together with prominent designs showing Roman cardinal, shields, olive branches bearing olives, Roman cardinal's hat and replica of medals, with respect to the Cardinale brand, borne on the labels, were false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser in that the said statements and designs represented that it consisted solely of olive oil, that it was a Lucca-type oil produced in Italy, and that it was imported from Italy; whereas it was not as so represented, but was a domestic product consisting almost entirely of cottonseed oil, and the false and misleading statements and designs were not corrected by the inconspicuous statement "Vegetable Oil" on the label of the Samaritana brand, and "High Grade Vegetable Oil with Flavor", on the label of the Cardinale brand, since olive oil is a vegetable oil.

On April 12, 1935, the defendants entered pleas of guilty and the corporation was fined \$200 on each of two counts of the information. A fine of \$1 was imposed against the corporation on the third count, which was remitted; and a fine of \$1 on each of the three counts imposed against John Esposito also was remitted.

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

25427. Adulteration of canned tomato puree. U. S. v. 995 Cases of Canned Tomatoes [Tomato Puree]. Default decree of condemnation and destruction. (F. & D. no. 34294. Sample no. 3590-B.)

This case involved canned tomato puree that contained excessive mold.

On November 6, 1934, the United States attorney for the District of Nebraska, acting upon a report by the Secretary of Agriculture, filed in the district court