

ment on or about December 2 and 13, 1939, from the State of California into the State of Washington of quantities of olive oil that was adulterated and misbranded. The article was labeled in part: (Cans) "Olive Oil."

It was alleged to be adulterated in that a substance consisting essentially of cottonseed oil had been substituted wholly or in part for olive oil; and in that a substance consisting essentially of cottonseed oil had been mixed or packed therewith so as to reduce its quality or strength.

The article was alleged to be misbranded in that the statement "Olive Oil," borne on the cans, was false and misleading since it represented that the article consisted wholly of olive oil; whereas it did not so consist but did consist essentially of cottonseed oil. It was alleged to be misbranded further in that it was a food consisting essentially of cottonseed oil and was offered for sale under the name of another food, i. e., "olive oil."

On July 29, 1940, a plea of guilty was entered and the court imposed a fine of \$400, payment of which was suspended and the defendant was placed on probation for 3 years.

**1663. Adulteration and misbranding of olive oil. U. S. v. 45 Cans of Oil. Default decree of condemnation and destruction.** (F. D. C. No. 2800. Sample No. 36216-E.)

This product was cottonseed oil, containing little or no olive oil, and was artificially flavored to simulate olive oil.

On September 12, 1940, the United States attorney for the District of Maine filed a libel against 45 cans of oil at Portland, Maine, alleging that the article had been shipped in interstate commerce on or about August 7, 1940, by the Alberti Importing & Exporting Co., Inc., from Boston, Mass.; and charging that it was adulterated and misbranded. It was labeled in part: (Main panel) "Berta Brand Oil. Contains Pure Olive Oil and Cottonseed Oil \* \* \* Packed by Alba Products Co., Boston, Mass."

The article was alleged to be adulterated in that a substance, namely, cottonseed oil, containing little or no olive oil, and artificially flavored to simulate olive oil had been substituted wholly or in part therefor.

It was alleged to be misbranded in that the picture of a woman in garb suggesting Italian origin, the prominent designation "Olio," the Italian brand name "Berta," and the designations "A superior oil" and "Olio Sopraffino," were false and misleading as applied to an artificially flavored cottonseed oil containing little or no olive oil since they implied that it was essentially olive oil. It was alleged to be misbranded further in that its label bore representations in Italian, but the quantity of contents statement and names of the ingredients failed to appear on the label in Italian, as required by or under authority of the law. The article was misbranded further in that it contained artificial flavoring and did not bear labeling stating that fact.

On October 14, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**1664. Adulteration and misbranding of olive oil. U. S. v. 22 Cans of Oil. Default decree of condemnation and destruction.** (F. D. C. No. 2829. Sample No. 36217-E.)

This product was essentially cottonseed oil and contained little or no olive oil, and was artificially flavored and colored to simulate olive oil.

On September 16, 1940, the United States attorney for the District of Maine filed a libel against 22 cans of oil at Biddeford, Maine, alleging that the article had been shipped in interstate commerce on or about July 25, 1940, by the Cara Donna Packing Co. from Boston, Mass.; and charging that it was adulterated and misbranded. It was labeled in part: (Main panels) "Fine Table Oil Composed of 80% Domestic Vegetable Oil 20% Imported Olive Oil Di Lusso Brand."

The article was alleged to be adulterated in that a substance, namely, cottonseed oil containing little or no olive oil and artificially flavored and colored to simulate olive oil, had been substituted wholly or in part for the article.

It was alleged to be misbranded in that it was an imitation of another food, and its label did not bear, in type of uniform size and prominence, the word "imitation" and immediately thereafter, the name of the food imitated; in that the label contained representations in Italian and the information required by or under authority of the law to appear on the label did not appear thereon in Italian; in that it was fabricated from two or more ingredients, and its label did not bear the common or usual name of each ingredient; and in that it con-

tained artificial flavoring and artificial coloring and did not bear labeling stating that fact.

On October 14, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**1665. Adulteration and misbranding of oil. U. S. v. 31 Cans of Oil. Default decree of condemnation and destruction. (F. D. C. No. 3343. Sample No. 34833-E.)**

This product was an artificially flavored and colored oil similar to soybean oil, containing little or no olive oil. It contained two colors, one unpermitted and one permitted in drugs and cosmetics but not in food. It was adulterated and misbranded as indicated below.

On November 12, 1940, the United States attorney for the Northern District of New York filed a libel against 31 cans of oil at Whitehall, N. Y., alleging that the article had been shipped in interstate commerce on or about July 5, 1940, by the Catania Importing Co. from Boston, Mass.; and charging that it was adulterated and misbranded. It was labeled in part: (Main panels) "La-Spagnola Brand Oil 78% Choice Cottonseed Salad Oil 22% Pure Imported Italian Olive Oil."

The article was alleged to be adulterated in that an artificially flavored and colored oil similar to soybean oil, containing little or no olive oil, had been substituted wholly or in part for 78 percent cottonseed oil and 22 percent olive oil, which it purported to be; in that its inferiority had been concealed by the addition of artificial flavor and color; in that artificial flavor and color had been added thereto or mixed or packed therewith so as to make it appear better or of greater value than it was; and in that it contained a coal-tar color other than one from a batch that had been certified in accordance with the regulations provided by law.

It was alleged to be misbranded in that the wording and design of the label was false and misleading since they conveyed the impression that it was of foreign origin; in that the statement "78% Choice Cottonseed Salad Oil 22% Pure Imported Italian Olive Oil" was false and misleading as applied to artificially flavored and colored oil similar to soybean oil, containing little or no olive oil; in that it was an imitation of another food and its label did not bear, in type of uniform size and prominence, the word "imitation" and, immediately thereafter, the name of the food imitated; in that the label contained representations in a foreign language (Italian) and the information required by the act to appear on the label did not appear thereon in the foreign language; and in that it contained artificial flavoring and artificial coloring and the label did not state that fact.

On January 14, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**1666. Adulteration and misbranding of olive oil. U. S. v. 89 Gallon Cans, 2 Half-Gallon Cans, and 23 Quart Cans of Olive Oil. Default decree of condemnation and order that samples be delivered to the Government; remainder ordered distributed to charitable institutions. (F. D. C. No. 3400. Sample Nos. 34671-E to 34676-E, incl.)**

This product was represented in its labeling as olive oil, but it consisted essentially of cottonseed oil and contained little or no olive oil. The product in 87 of the 89 gallon cans contained artificial flavoring, and that in the remaining 2 gallon cans contained artificial coloring.

On or about November 20, 1940, the United States attorney for the District of Connecticut filed a libel against 89 gallon cans, 2 half-gallon cans, and 23 quart cans of olive oil at Danbury, Conn., alleging that the article had been shipped in interstate commerce on or about August 8, 28, and 30 and September 7, 1940, by Ciroco Oil Co., Inc., from Brooklyn, N. Y.; and charging that it was adulterated and misbranded. It was labeled in part variously: (Cans) "Roberta Brand," "Puglia Brand," "Colomba Brand," "Lola Brand," "Italia Brand," or "Superfine Olive Oil A. Sasso."

The article was alleged to be adulterated in that a product consisting essentially of cottonseed oil and containing little or no olive oil, a portion of which contained artificial flavoring and a portion of which contained artificial coloring, had been substituted wholly or in part for olive oil, which it purported to be. The portion contained in the gallon cans was alleged to be adulterated further in that inferiority had been concealed by the addition of artificial flavoring or artificial coloring, and in that artificial flavoring or artificial coloring had been added thereto or mixed and packed therewith so as to make it appear better or of greater value than it was.