

The article was alleged to be misbranded in that the statement "Net Weight One Pound" was false and misleading since it was incorrect; and in that it was in package form and did not bear an accurate statement of the quantity of contents.

On December 23, 1940, Robertson Peanut Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be reconditioned or relabeled under the supervision of the Food and Drug Administration so that it comply with the law. The product was repacked to the declared weight.

### VEGETABLE OILS

**2077. Misbranding of olive oil. U. S. v. R. Gerber & Co. Plea of guilty. Fine, \$100.** (F. D. C. No. 2103. Sample Nos. 46932-D, 58760-D, 75047-D, 75634-D, 3703-E, 4713-E, 4826-E.)

This case was based on shipments of olive oil which was short of the declared volume.

On September 5, 1940, the United States attorney for the Northern District of Illinois filed an information against R. Gerber & Co., a corporation, Chicago, Ill., alleging shipment within the period from on or about September 15, 1939, to on or about February 19, 1940, from the State of Illinois into the States of Wisconsin and Ohio of quantities of olive oil which was misbranded. The article was labeled in part variously: "Gentile's \* \* \* Pure Olive Oil \* \* \* Distributed by Louis Gentile Food Products, Kenosha, Wis.," "Campanello Brand Finest Imported Olive Oil \* \* \* Packed by R. Gerber & Co., Chicago, Ill.," "Joannes Quality Imported Pure Olive Oil \* \* \* Distributors Joannes Bros. Co., Green Bay, Wisconsin," "Gerber's Imported Pure Virgin Olive Oil \* \* \* Packed by R. Gerber & Co., Chicago, Ill.," "Hoffman's Finest Quality Imported Pure Olive Oil Packed for John Hoffman & Sons Co., Milwaukee."

The article was alleged to be misbranded in that the statements "Two Oz.," "2 Fluid Oz.," "Contents One Gallon," "4 Fluid Ozs.," and "8 Fl. Ozs.," borne on the labels of the bottles and cans, were false and misleading since the said statements represented that the bottles and cans contained the volume of olive oil declared on the label, whereas they did not contain such volume but did contain a smaller amount.

On May 15, 1941, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$100 and costs.

**2078. Misbranding of olive oil. U. S. v. 20 Cases of Olive Oil. Default decree of condemnation. Product ordered delivered to a charitable institution.** (F. D. C. No. 1841. Sample No. 3703-E.)

This product was short of the declared volume.

On April 24, 1940, the United States attorney for the Southern District of Ohio filed a libel against 20 cases of olive oil at Dillonvale, Ohio, alleging that the article had been shipped in interstate commerce on or about February 19, 1940, by R. Gerber & Co. from Chicago, Ill.; and charging that it was misbranded. The article was labeled in part: (Bottles) "Gerber's Imported Pure Virgin Olive Oil 8 Fl. Ozs."

The article was alleged to be misbranded in that the statement "8 Fl. Ozs." was false and misleading since it was incorrect; and in that it was in package form and did not bear an accurate statement of the quantity of the contents.

On April 29, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution.

**2079. Misbranding of olive oil. U. S. v. 22 Cans of Olive Oil. Default decree of condemnation. Product ordered delivered to charitable institution.** (F. D. C. No. 3936. Sample Nos. 46189-E, 46310-E.)

This product was short of the declared volume.

On March 6, 1941, the United States attorney for the District of New Jersey filed a libel against 22 cans of olive oil at Newark, N. J., alleging that the article had been shipped in interstate commerce on or about January 29, 1941, from Brooklyn, N. Y., by I. Haber, Inc.; and charging that it was misbranded. The article was labeled in part: "Pure Imported Olive Oil Napoli Brand."

The article was alleged to be misbranded in that the statement on the label "net contents one gallon" was false and misleading; and in that it was in package form and did not bear an accurate statement of the quantity of the contents.