On August 15, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution.

2080. Misbranding of olive oil. U. S. v. 1,978 Bottles and 3 Cases of Olive Oil. Default decree of condemnation and destruction. (F. D. C. No. 2297. Sample Nos. 7395–E, 7940–E to 7943–E, incl.)

This product was shipped in interstate commerce in drums labeled in part "Lindsay Brand Fancy California Olive Oil." While being held for sale after such shipment, it was bottled and labeled as indicated hereinafter. The 10-ounce bottles contained less than the amount declared on the label.

On July 22, 1940, the United States attorney for the District of Arizona filed a libel against 1,978 bottles, and 3 cases each containing 12 quart bottles of olive oil at Phoenix, Ariz., alleging that the article had been shipped in interstate commerce on or about December 29, 1939, by the Lindsay Ripe Olive Co. from Lindsay, Calif.; and charging that it was misbranded. At the time of seizure a portion of the article was labeled in part, "Arnold's Pure Imported Olive Oil 1-6/10 Fluid Ozs. Packed by Arnold Pickle & Olive Co. Phoenix, Ariz."; and the remainder was labeled: "Arnold's Imported Olive Oil One Quart [or "5 Fluid Oz." or "10 Fluid Oz."] Arnold Pickle & Olive Co., Phoenix Arizona."

The article was alleged to be misbranded in that the statements "Pure Imported Olive Oil" and "Imported Olive Oil" were false and misleading since its was of domestic origin. The article in the 10-ounce bottles was alleged to be misbranded further in that the statement "10 Fluid Ozs." was false and misleading since the net volume found in the bottles was 9.65 fluid ounces; and in that it was in package form and did not bear an accurate statement of the quantity of the contents.

On January 16, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

2081. *Adulteration and misbranding of olive infused salad oil. U. S. v. 700 Cases of Salad Oil. Consent decree of condemnation. Product ordered released under bond for relabeling.* (F. D. C. No. 3942. Sample No. 46486–E.)

This product consisted essentially of corn oil with a sufficient infusion of olives to simulate the flavor and appearance of olive oil. It also contained benzaldehyde, and apricot, or other kernel, oil.

On March 10, 1941, the United States attorney for the Southern District of New York filed a libel against 700 cases of salad oil at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about January 30, 1941, by American Maize Products Co. from North Hammond, Ind.; and charging that it was adulterated and misbranded. The article was labeled in part: (Cans) "One Gallon net Ricola Pure Olive Infused Salad Oil."

The article was alleged to be adulterated in that a product containing benzaldehyde and apricot or other kernel oil had been substituted wholly or in part for "Pure Corn oil specially processed with genuine selected imported olives," which it purported to be.

The article was alleged to be misbranded in that the following statements were false and misleading: "Pure Olive Infused Salad Oil Pure Corn Oil Specially Processed with Genuine Selected Imported Olives to Develop Fine Olive Flavor. This specially processed corn oil contains the natural flavor of the finest imported olives, and is a delicious oil for salads and salad dressings. Do not confuse Ricola with ordinary 'Blended' or 'compound' oils! Ricola is made under a patented process by Infusion of corn oil with selected imported olives so that the natural olive flavor is imparted to the oil. Ricola is guaranteed absolutely pure and wholesome. [Similar statements in Italian] We guarantee Ricola Oil to be absolutely pure and wholesome and to comply with all pure food laws throughout the world."

The article was alleged to be misbranded further in that it was an imitation of another food and its label failed to bear, in type of uniform size and prominence, the word "imitation" and, immediately thereafter, the name of the food imitated; and 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 so appear in the foreign language.

On April 24, 1941, Musher & Co., Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned on its being properly relabeled.