

It was alleged to be misbranded (1) in that the following statements and designs were false and misleading: (32-can lot) "Olive Oil Italian Produce [design of olives and olive branches] * * * This extra fine pure olive oil is guaranteed under chemical analysis. It is highly recommended for table and medicinal uses. Extra Superfine * * * Superfine Olive Oil Imported Product [and similar statements in Italian]"; (4-can lot) "Superfine Olive Oil * * * Imported product [design of an olive branch with olives] * * * Pure Olive Oil Imported [and similar statements in Italian]"; (37-can lot) "Pure Imported Olive Oil [design of an olive branch and olives] * * * This olive oil is guaranteed to be absolutely pure under chemical analysis. It is pressed from selected ripe olive * * * Highly recommended for medicinal purpose and table use * * * Olive Oil [and similar statements in Italian]"; (147-can lot) "[design of olive branch with olives] This olive oil is guaranteed pure Imported Pure Olive Oil [and similar statement in Italian]"; (12-can lot) "Italian Product Imported Virgin Olive Oil Superfine * * * Lucca Italy [design of an olive branch with olives] This olive oil is guaranteed to be absolutely pure under any chemical analysis Recommended for table use and medicinal purposes Imported Pure Olive Oil [and similar statements in Italian]"; (2) in that the article was an imitation of another food and the labels did not bear, in type of uniform size and prominence, the word "imitation" and, immediately thereafter, the name of the food imitated; (3) in that (37 cans excepted) it was in package form and did not bear a label containing the name and place of business of the manufacturer, packer, or distributor; and (4) in that it contained artificial coloring and (with the exception of 147 cans) artificial flavoring and did not bear labeling stating those facts.

On November 25, 1941, no claimant having appeared, judgment of condemnation and forfeiture was entered. One hundred and forty-six gallon cans of the product were ordered delivered to a charitable institution and the remainder was ordered destroyed.

2515. Adulteration and misbranding of oil. U. S. v. 46 Cans and 10 Jugs of Oil. Default decree of condemnation and destruction. (F. D. C. No. 3842. Sample Nos. 33950-E, 33951-E, 33952-E.)

Analysis showed that this product consisted essentially of cottonseed oil artificially colored with an uncertified coal-tar color and artificially flavored to simulate olive oil.

On February 19, 1941, the United States attorney for the District of New Jersey filed a libel against 46 cans and 10 jugs of oil at Bayonne, N. J., alleging that the article had been shipped in interstate commerce on or about January 31, 1941, by Roma Oil Packing Co. from Brooklyn, N. Y.; and charging that it was adulterated and misbranded. The product in the cans was labeled in part: "One Gallon Net Extra Fine Oil Superfine Brand"; or "One Gallon Royal Brand Extra Quality Fine Oil." The 10 jugs were unlabeled.

The article was all alleged to be adulterated in that inferiority had been concealed by the addition of artificial flavor and artificial color; in that artificial flavor and artificial 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 law.

The product contained in the cans was alleged to be misbranded (1) in that the word "Oil," which to Italian-speaking people means olive oil, in combination with the statements in Italian, (Superfine brand) "Prodotto Garantito," "Sopraffino"; and (Royal brand) "Marca Reale * * * Finissima Qualita * * * Olio Fino," and the designs of a royal crown, shields showing castles, etc., and a stalk of what appeared to be olive leaves, borne on the label, were false and misleading since they conveyed the impression that the article was imported Italian olive oil; (2) in that it was an imitation of another food, olive oil, and the labels did not bear, in type of uniform size and prominence, the word "Imitation" and, immediately thereafter, the name of the food imitated; (3) in that the labels did not contain the name and place of business of the manufacturer, packer, or distributor; (4) in that the labels did not bear the common or usual name of the food; (5) in that the labels did not bear the common or usual name of each ingredient of which the article was fabricated; and (6) in that the article contained artificial flavoring and artificial coloring and the labels did not state that fact. The product in the jugs was alleged to be misbranded (1) in that it was in package form and did not bear a label containing the name and place of business of the manufacturer, packer, or dis-

tributor and an accurate statement of the quantity of the contents; (2) in that it did not bear a label showing the common or usual name of the food; (3) in that it did not bear a label showing the common or usual names of the ingredients from which it was fabricated; and (4) in that it contained artificial flavoring and artificial coloring and did not bear labeling stating that fact.

On April 18, 1941 (amending decree of March 29, 1941), no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

2516. Adulteration and misbranding of olive oil. U. S. v. 17 Cases of Olive Oil. Default decree of condemnation and destruction. (F. D. C. No. 5104. Sample No. 42574-E.)

This product purported to be olive oil but consisted essentially of cottonseed oil with little or no olive oil. The bottles were deceptive because of their height and irregular shape and a portion were labeled "16 Fl. Ozs." while all were of 1½-fluid-ounce size.

On July 8, 1941, the United States attorney for the Western District of Pennsylvania filed a libel against 17 cases, each containing 24 bottles, of olive oil at Johnstown, Pa., alleging that the article had been shipped in interstate commerce on or about January 14, 1941, by Sage Chemical Co. from Brooklyn, N. Y.; and charging that it was adulterated and misbranded. The article was labeled in part: "York Star Brand Pure Imported Olive Oil. * * * 1½ Fl. Ozs." [or "16 Fl. Ozs."].

It was alleged to be adulterated in that cottonseed oil containing little or no olive oil had been substituted wholly or in part for olive oil, which it purported to be.

It was alleged to be misbranded in that the statements "Pure Imported Olive Oil For Medicinal and Table Use" on a portion of the bottles, and "Pure Imported Olive Oil" on the remainder of the bottles, were false and misleading as applied to cottonseed oil containing little or no olive oil; in that it was offered for sale under the name of another food; and in that its container was so formed as to be misleading since, because of its height and irregular shape, the purchaser had no conception of the quantity of oil in the bottle. A portion was alleged to be misbranded further in that the statement "Net Cont. 16 Fl. Ozs." was false and misleading since the bottles contained only 1½ fluid ounces; and in that it was in package form and did not bear a label containing an accurate statement of the quantity of the contents.

On August 22, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

2517. Misbranding of vegetable oil. U. S. v. 31 Cans of Soya Bean Oil Flavored with Imported Pure Olive Oil. Default decree of condemnation and destruction. (F. D. C. No. 5307. Sample No. 69247-E.)

This product contained little or no olive oil and had no olive oil odor or taste, and contained some cottonseed oil.

On August 6, 1941, the United States attorney for the Southern District of New York filed a libel against 31 cans of the above-named product at Marlborough, N. Y., alleging that the article had been shipped in interstate commerce on or about May 7, 1941, by Gus Sclafani from Stamford, Conn.; and charging that it was misbranded. The article was labeled in part: "One Gallon Genuine Product Patria Brand Exquisite Oil."

The article was alleged to be misbranded (1) in that the statement on the label, "Soya Bean Oil Flavored with Imported Pure Olive Oil," was false and misleading as applied to an article consisting essentially of an oil of the nature of soya bean oil with some cottonseed oil but containing little or no olive oil; (2) in that the statement on the label, "Prodotto Genuino * * * Patria L'Olio Exquisito per la Famiglia Italiana," was false and misleading since it created the impression that the article consisted of true olive oil; (3) in that the label contained representations in a foreign language (Italian) and the statement of the quantity of contents and the common or usual name of each ingredient which are required by law to appear in the labeling did not appear thereon in the foreign language; and (4) in that it was fabricated from two or more ingredients and its label failed to bear the common or usual name of each such ingredient.

On September 10, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.