

in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Delicious Brand Peanut Butter Peanuts and Salt."

On May 23, 1942, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

3393. Misbranding of peanut butter. U. S. v. 299 Cases and 89 Cases of Peanut Butter. Consent decree of condemnation. Product ordered released under bond for repackaging. (F. D. C. No. 7016. Sample Nos. 71281-E, 71282-E.)

Examination showed that this product was short of the declared weight.

On March 12, 1942, the United States attorney for the Eastern District of Missouri filed a libel against 388 cases of peanut butter at St. Louis, Mo., alleging that the article had been shipped in interstate commerce on or about January 15, 1942, by Sweet Adeline Foods, Inc., from Louisville, Ky.; and charging that it was misbranded. The article was labeled in part: "Red Robe Brand Pure Peanut Butter * * * Cont. 16 Ozs. General Grocer Co. St. Louis, Mo."; or "Nation Wide Pure Peanut Butter * * * Cont. 16 Ozs. Nation Wide Service Grocers St. Louis, Mo."

It was alleged to be misbranded in that the statement "Cont. 16 Ozs." was false and misleading as applied to an article that was short weight; and in that it was in package form and failed to bear a label containing an accurate statement of the quantity of the contents.

On April 27, 1942, the General Grocer 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 reshipped to Sweet Adeline Foods, Inc., to be repackaged under the supervision of the Food and Drug Administration.

OLIVE OIL

Nos. 3394 to 3399 report actions based on interstate shipments of vegetable oil containing little or no olive oil (portions of which were artificially colored and flavored) that were labeled as consisting either entirely or in large part of olive oil. In practically all cases the essential ingredient was identified as cottonseed oil.

3394. Adulteration and misbranding of olive oil. U. S. v. Columbia Tea Co. Plea of guilty. Fine, \$250 on 1 count; imposition of sentence on remaining counts suspended. (F. D. C. No. 5484. Sample Nos. 36626-E to 36628-E, incl.)

On October 20, 1941, the United States attorney for the District of Rhode Island filed an information against Columbia Tea Co., a corporation, Providence, R. I., alleging delivery for introduction in interstate commerce on or about September 23 and October 7, 1940, from the State of Rhode Island into the State of Massachusetts of quantities of olive oil which was adulterated and misbranded. It was labeled in part: "Puglia Brand Superfine Pure Olive Oil"; or "Pure Stella Alpino Brand Imported Olive Oil."

The article was alleged to be adulterated (1) in that a substance consisting essentially of cottonseed oil, artificially flavored and artificially colored and containing little or no olive oil had been substituted wholly or in part for olive oil, which it purported to be; (2) in that it was inferior to olive oil, and its inferiority had been concealed by the addition of artificial flavor and artificial color; and (3) in that artificial flavor and artificial color had been added thereto or mixed or packed therewith so as to make it appear better and of greater value than it was.

It was alleged to be misbranded: (1) In that (Puglia brand) the design of a crown, shield and olive branches and fruit, and the statements "Imported Pure Olive Oil * * * Superfine Pure Olive Oil Imported from Lucca-Italy * * * This olive oil is guaranteed to be absolutely pure under any chemical analysis. Recommended for table use and medicinal purposes [and similar statements in Italian]," and (Stella Alpino brand) "Imported from Italy * * * Pure * * * Imported Olive Oil * * * This imported Olive Oil is guaranteed by us to be absolutely pure and specially adapted for medicinal and table uses [and similar statements in Italian]," borne on the labels, were false and misleading in that they represented and suggested that the article consisted wholly of olive oil imported from Italy; whereas it did not consist wholly of olive oil imported from Italy. (2) In that it was offered for sale under the name of another food, namely, olive oil. (3) 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, i. e., olive oil. (4) 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 distributor. (5) In that the information required by or under authority of the law to appear on the label or labeling, was not prominently placed thereon in such terms as to render it likely to be understood by the ordinary individual under customary conditions of purchase and use, since the labeling contained representations in a foreign language (Italian) and the information required by or under authority of the law to appear on the label or labeling did not appear thereon in Italian. (6) In that it was fabricated from two or more ingredients and its label did not bear the common or usual name of each ingredient. (7) In that it contained artificial flavor and artificial color but did not bear labeling stating that fact.

On January 20, 1942, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$50 with costs on one count and suspended sentence on the remaining five counts and placed the defendant on probation for 1 year.

3395. Adulteration and misbranding of olive oil. U. S. v. Vincent Grande. Plea of guilty. Fine of \$50 and costs. Defendant placed on probation for 1 year. (F. D. C. No. 5485. Sample Nos. 36625-E, 36626-E, 36628-E.)

On October 20, 1941, the United States attorney for the District of Rhode Island filed an information against Vincent Grande, trading in Providence R. I., alleging shipment in interstate commerce on or about September 23 and October 7, 1940, from the State of Rhode Island into the State of Massachusetts, of quantities of olive oil which was adulterated and misbranded. It was labeled in part: "Puglia Brand Superfine Pure Olive Oil" or "Pure Stella Alpino Brand Imported Olive Oil."

The article was alleged to be adulterated (1) in that a substance consisting essentially of cottonseed oil, artificially flavored and artificially colored and containing little or no olive oil, had been substituted wholly or in part for olive oil, which it purported to be; (2) in that it was inferior to olive oil, and its inferiority had been concealed by the addition of artificial flavor and artificial color; and (3) in that artificial flavor and artificial color had been added thereto or mixed or packed therewith so as to make it appear better and of greater value than it was.

It was alleged to be misbranded: (1) In that (Puglia brand) the design of a crown, shield and olive branches and fruit, and the statements "Imported Pure Olive Oil * * * Superfine Pure Olive Oil Imported from Lucca-Italy * * * This olive oil is guaranteed to be absolutely pure under any chemical analysis. Recommended for table use and medicinal purposes [and similar statements in Italian]," and (Stella Alpino brand) "Imported from Italy * * * Pure * * * Imported Olive Oil * * * This imported Olive Oil is guaranteed by us to be absolutely pure and specially adapted for medicinal and table uses [and similar statements in Italian]," borne on the labels, were false and misleading since they represented and suggested that the article consisted wholly of olive oil imported from Italy; whereas it did not consist wholly of olive oil imported from Italy. (2) In that it was offered for sale under the name of another food, namely, olive oil. (3) 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, i. e., olive oil. (4) 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 distributor. (5) In that the information required by or under authority of the law to appear on the label or labeling, was not prominently placed thereon in such terms as to render it likely to be understood by the ordinary individual under customary conditions of purchase and use, since the labeling contained representations in a foreign language (Italian) and the information required by or under authority of the law to appear on the label or labeling did not appear thereon in Italian. (6) In that it was fabricated from two or more ingredients and its label did not bear the common or usual name of each ingredient. (7) In that it contained artificial flavor and artificial color and did not bear labeling stating that fact.

On January 20, 1942, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$50 with costs on one count and suspended sentence on the remaining five counts and placed the defendant on probation for 1 year.