

conditions of purchase and use; (4) in that the labels contained representations in a foreign language (Italian) and the information required by the act to appear on the label, i. e., the word "imitation," the statement of the quantity of the contents, the common or usual name of each ingredient, and the declaration of artificial flavoring and artificial coloring did not appear thereon in the foreign language; and (5) in that it contained artificial flavoring and artificial coloring but failed to bear labeling stating that fact.

On May 1, 1942, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be delivered to a charitable organization.

**3616. Adulteration and misbranding of olive oil. U. S. v. 18 Cases of Olive Oil. Default decree of condemnation. Product ordered distributed to charitable institutions.** (F. D. C. No. 4204. Sample Nos. 56051-E, 56052-E, 56060-E.)

This product was represented to consist of olive oil but in two of the lots, it consisted of artificially flavored cottonseed oil; and in one lot, of an artificially flavored mixture of peanut and cottonseed oils, all containing little, if any, olive oil. In one lot the label failed to bear the name and place of business of the manufacturer, packer, or distributor.

On April 5, 1941, the United States attorney for the District of Connecticut filed a libel against 18 cases, each containing 6 gallon cans, of olive oil at Torrington, Conn., alleging that the article had been shipped in interstate commerce on or about February 11 and 14, 1941, by Vincenzo Maturo from New York, N. Y.; and charging that it was adulterated and misbranded. It was labeled in part: "Tivoli [or "Eletta"] Brand Pure Imported Olive Oil"; or "Olio di Oliva Vergine Lucca Brand."

The article was alleged to be adulterated (1) in that artificially flavored cottonseed oil in the Tivoli and Eletta brands and an artificially flavored mixture of peanut and cottonseed oil in the Lucca brand, all brands containing little, if any, olive oil, had been substituted wholly or in part for olive oil, which it purported to be; (2) in that inferiority had been concealed by the addition of artificial flavor; and (3) in that artificial flavor had been added thereto or mixed or packed therewith so as to make it appear better or of greater value than it was.

Misbranding was alleged in that the following statements and designs in the labeling (Tivoli brand) "Pure Imported Olive Oil \* \* \* Tivoli Brand Olive Oil is guaranteed to be one of the finest olive oils. The olive oil contained in this can is pressed from fresh picked ripe and selected olives. It is an absolutely pure product highly recommended for table use and medicinal purposes [similar statements in Italian and a design of olive trees and workers gathering olives]," (Lucca brand) "This olive oil is guaranteed pure \* \* \* Imported Pure Olive Oil [similar statements in Italian and a design of an olive branch and olives]," and (Eletta brand) "Pure Imported Olive Oil \* \* \* Guaranteed absolutely pure olive oil for table and medicinal purposes [similar statements in Italian and designs of olive branches and olives and a shield and crown]," were false and misleading. The articles were alleged to be misbranded further (1) in that they were offered for sale under the name of another article; (2) in that they were imitations of another food, i. e., olive oil, and the labels failed to bear in type of uniform size and prominence the word "imitation" and immediately thereafter the name of the food imitated; and (3) in that they contained artificial flavoring and did not bear labeling stating that fact. The Lucca brand was alleged to be misbranded further 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.

On May 6, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered distributed to charitable institutions.

**3617. Adulteration and misbranding of corn oil and olive oil. U. S. v. 14 Cans of Corn Oil and Olive Oil. Default decree of condemnation. Product ordered distributed to charitable institutions.** (F. D. C. No. 6737. Sample No. 84853-E.)

Analysis showed that this product was essentially an artificially flavored and artificially colored corn oil containing little or no olive oil. The odor and flavor resembled those of olive oil.

On or about January 21, 1942, the United States attorney for the District of Connecticut filed a libel against 14 cans of corn and olive oil at New Haven, Conn., alleging that the article had been shipped in interstate commerce on or about December 16, 1941, by Antonio Purificato from New York, N. Y.; and charging

that it was adulterated and misbranded. It was labeled in part: "Corn Oil & Pure Olive Oil Packed by Import Oil Co. New York."

It was alleged to be adulterated in that an artificially flavored and artificially colored corn oil, containing little or no olive oil, had been substituted wholly or in part for corn oil and pure olive oil, which it purported to be; in that inferiority had been concealed by the addition of artificial flavor and artificial color; and 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.

It was alleged to be misbranded in that the statement "Corn Oil & Pure Olive Oil" was false and misleading as applied to an artificially flavored and artificially colored corn oil containing little or no olive oil; 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 it contained artificial flavoring and artificial coloring and failed to bear labeling stating that fact.

On May 18, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to charitable institutions, with the proviso for delivery of a portion of this oil to the Food and Drug Administration.

**3618. Adulteration and misbranding of olive oil. U. S. v. 5 Cans and 9 Cans of Olive Oil. Default decree of condemnation. Product delivered to a charitable institution. (F. D. C. No. 5294. Sample Nos. 51255-E, 51256-E.)**

This product consisted essentially of cottonseed oil containing little, if any, olive oil.

On August 5, 1941, the United States attorney for the District of Vermont filed libels against 14 cans of olive oil at Brattleboro, Vt., alleging that the article had been shipped in interstate commerce on or about April 8, 1941, by Mrs. Annie Simon from Providence, R. I.; and charging that it was adulterated and misbranded. The article was labeled in part: "Contents One Gallon Italia [or "Pulcella"] Brand \* \* \* Olive Oil."

It was alleged to be adulterated in that an article consisting essentially of cottonseed oil containing little, if any, olive oil, had been substituted wholly or in part for olive oil, which it purported to be.

The article was alleged to be misbranded in that the following statements appearing on the labels were false and misleading as applied to an article consisting essentially of cottonseed oil containing little, if any, olive oil: (5 cans) "Italia Supreme Olive Oil Imported Lucca-Italia, \* \* \* The purity of this olive oil is guaranteed under chemical analysis and we recommend it for table and medicinal uses [similar statements in Italian and the design of a crown, shield, gold medals, Italian flag, and olive branches] \* \* \* Imported from Italy"; (9 cans) "Guaranteed Pure Olive Oil Extra Fine Imported Lucca Italy \* \* \* Prodotti Italiani We guarantee our olive oil to be absolutely pure under any chemical analysis—insuperable for table use and excellent for medicinal purposes—Imported From Italy [similar statements in Italian and the design of olive branches]." It was alleged to be misbranded further in that it was offered for sale under the name of another food; and 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.

On June 29, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution.

**3619. Adulteration and misbranding of olive oil. U. S. v. 35 Cans of Olive Oil. Default decree of condemnation. Product ordered delivered to a charitable institution. (F. D. C. No. 5293. Sample No. 51254-E.)**

This product consisted essentially of cottonseed oil containing little, if any, olive oil.

On August 5, 1941, the United States attorney for the District of Vermont filed a libel against 35 cans of olive oil at Brattleboro, Vt., alleging that the article had been shipped in interstate commerce on or about May 1, 1941, by Geo. M. Ziter from Providence, R. I.; and charging that it was adulterated and misbranded. The article was labeled in part: "Contents One Gallon Pulcella Brand Guaranteed Pure Olive Oil."

It was alleged to be adulterated in that an article consisting essentially of cottonseed oil containing little, if any, olive oil, had been substituted wholly or in part for olive oil, which it purported to be.

The article was alleged to be misbranded (1) in that the following statements and designs in the labeling were false and misleading, "Guaranteed Pure