**4241. Misbranding of oil. U. S. v. 299 Cans and 149 Cans of Oil. Consent decrees of condemnation. Product ordered released under bond to be repacked.** (F. D. C. No. 8362, 8363. Sample Nos. 4728–F, 4729–F.)

This product consisted essentially of an oil or oils other than olive oil and contained little, if any, olive oil. It was short of the declared volume.

On September 16, 1942, the United States attorney for the Southern District of Ohio filed a libel against 448 cans of oil at Cincinnati, Ohio, which had been consigned on or about July 28, 1942, alleging that the article had been shipped in interstate commerce by the Western Food Corporation, from Chicago, Ill.; and charging that it was misbranded. The article was labeled in part: "Liguria Superfine Brand Olive Oil."

It was alleged to be misbranded (1) in that the prominent word "Liguria," which is the name of an Italian province, the prominent statement "Italian Lucca Olive Oil," and the design of medals borne on the label were false and misleading since they created the impression that the article was a foreign product; (2) in that the statement "One Gallon" was false and misleading since the article was short volume; (3) in that it was in package form and its label failed to bear an accurate statement of the quantity of the contents; (4) in that the label contained representations in a foreign language (Italian) and the statement of the quantity of the contents and the common or usual name of each ingredient, which are required by the act to appear on the label did not appear thereon in the foreign language; and (5) 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 October 26, 1942, the Western Food Corporation having appeared as claimant, judgments of condemnation were entered and the product was ordered released under bond conditioned that it be repacked under the supervision of the Food and Drug Administration.

## VITAMIN PREPARATIONS

**4242. Adulteration and misbranding of feeding oil. U. S. v. Fish Products Co. Plea of nolo contendere. Fine, $50.** (F. D. C. No. 7679. Sample Nos. 54368–E, 54374–E.)

On September 17, 1942, the United States attorney for the District of Delaware filed an information against the Fish Products Co., a corporation, Lewes, Del., alleging delivery at Lewes on or about October 13 and November 17, 1941, for introduction into the State of New Jersey of quantities of feeding oil that was adulterated and misbranded. The article was labeled in part: (Drum) "Distributed By The Fox Company Smith's Qualadee Finest Quality—Destearinated A and D Feeding Oil."

The article was alleged to be adulterated in that a valuable constituent, vitamin D, had been in whole or in part omitted or abstracted therefrom. It was alleged to be misbranded in that the statements (drums, shipped October 13, 1941) "100 A. O. A. C. Chick Units Vitamin D Per Gram," and (drums shipped November 17, 1941) "400 A. O. A. C. Chick Units Vitamin D Per Gram," were false and misleading since the product in the former shipment contained not more than 60 A. O. A. C. chick units of vitamin D per gram and that in the latter shipment contained not more than 250 A. O. A. C. chick units of vitamin D per gram.

On October 23, 1942, a plea of nolo contendere having been entered on behalf of the defendant, the court imposed a fine of $50.

**4243. Adulteration and misbranding of Organic Sea Food and O. S. F. vitamin tablets. U. S. v. Organic Sea Products Corporation. Plea of nolo contendere. Fine, $150.** (F. D. C. No. 6500. Sample Nos. 61516–E, 61517–E, 85101–E.)

These products were found to be deficient in declared vitamin content.

On June 15, 1942, the United States attorney for the Northern District of California filed an information against Organic Sea Products Corporation, San Francisco, Calif., alleging shipment on or about July 8 and November 6, 1941, from the State of California into the State of Washington of quantities of Organic Sea Food and vitamin tablets which were adulterated and misbranded. The articles were labeled in part: "Vitamin Enriched Organic Sea Food," or "O. S. F. Vitamin Tablets."

The article labeled "Vitamin Enriched Organic Sea Food" was alleged to be adulterated in that valuable constituents, vitamin A and vitamin D had been in whole or in part omitted or abstracted from it.