9158. Misbranding of edible oils. U. S. v. 54 Cans of Corn Oil and Olive Oil and 29 Cans of Sunflower, Peanut, Corn, and Olive Oils. Default decree of condemnation. Products ordered delivered to a charitable institution. (F. D. C. No. 16292. Sample Nos. 6987–H, 6988–H.)

LIBEL FILED: May 23, 1945, District of New Jersey.

ALLEGED SHIPMENT: On or about April 23, 1945, by the Venice Importing Co., from Brooklyn, N. Y.

PRODUCT: 83 1-gallon cans of edible oils at Newark, N. J.

LABEL, IN PART: "Astro d' Oro Brand Corn Oil and Olive Oil," or "Romanelle Brand A Choice Blend of Sunflower, Peanut, Corn and Pure Olive Oils."

NATURE OF CHARGE: Misbranding, Section 403 (a), the label statement, "Corn Oil and Olive Oil," was misleading since it failed to reveal the material fact that the article contained but a minute quantity, if any, of olive oil; and, Section 403 (f), the label contained representations in a foreign language (Italian) and the common or usual name of each ingredient, required by Section 403 (i) to appear on the label, did not appear thereon in the foreign language.

Further misbranding, Section 403 (a), (Romanelle Brand) the label statements, "A Choice Blend of Sunflower, Peanut, Corn and Pure Olive Oils" and "Scelta Miscela d'olii di girasole arachide, gran turco ed olio d'oliva puro," were misleading since they failed to reveal the material fact that the article contained only minute quantites of peanut and olive oils, if any.

DISPOSITION: November 19, 1945. No claimant having appeared, judgment of condemnation was entered and the products were ordered delivered to a charitable institution after destruction of the labels.

9159. Adulteration and misbranding of olive oil. U. S. v. 68 Cans of Olive Oil. Default decree of condemnation. Product ordered delivered to a soap factory. (F. D. C. No. 7531. Sample Nos. 84385–E to 84389–E, incl.)

LIBEL FILED: May 20, 1942, District of New Jersey.

ALLEGED SHIPMENT: On or about September or October 1941, by the Naples Oil Co., from Brooklyn, N. Y.

PRODUCT: 68 cans of olive oil at Hillside, N. J.

LABEL, IN PART: "Superfine Olive Oil A. Sasso Brand," "Cirillo Brand Pure Italian Olive Oil," "Lucca Brand Olio di Oliva-Vergine," "Puglia Brand * * * Olive Oil," or "Torino Brand 100% Pure Olive Oil * * * Packed by J. Ossola Co. New York–Pittsburgh."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), an artificially flavored and artificially colored mixture of cottonseed oil and peanut oil, containing little or no olive oil, had been substituted in whole or in part for olive oil, which the product purported to be; Section 402 (b) (3), inferiority had been concealed by the addition of artificial flavoring and artificial coloring; Section 402 (b) (4), artificial flavoring and artificial coloring had been added to the article or packed with it so as to make it appear to be better or of greater value than it was; and (Cirillo, Lucca, and Puglia brands), Section 402 (c), it contained a coal-tar color other than one from a batch that had been certified in accordance with the regulations.

Misbranding, Section 403 (a), the following statements and similar statements in Italian, together with various designs of olive branches, an olive tree, and a woman gathering olives, were false and misleading: (A. Sasso brand) "Superfine Olive Oil * * * Imported Product," and "Pure Olive Oil Imported"; (Cirillo brand) "Pure Italian Olive Oil Imported * * * The oil contained in this tin is guaranteed of pure olive under any chemical analysis. Recommended for medicinal and table use," and "Pure Imported Olive Oil"; (Lucca brand) "Olio di Oliva-Vergine," "This Olive Oil is guaranteed pure" and "Imported Product"; (Puglia brand) "Finest Quality Olive Oil Imported From Lucca-Italy," "Contents guaranteed strictly pure olive oil excellent for table and medicinal use," and "Imported Product"; (Torino brand) "Finest Sublime * * * 100% Pure Olive Oil Imported Product," and "Guaranteed to be absolutely pure olive oil unexcelled and recommended for medicinal and table use." Further misbranding, Section 403 (b), the product was offered for sale under the name of another food; Section 403 (c), 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 there-