

and of greater value, namely, a product containing more olive oil than was actually present.

Counts 2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22, and 24. Misbranding, Section 403 (a), the label statements "A Blend Of 80% Corn And Peanut Oil 20% Pure Olive Oil" and "A Blend Of 90% Peanut Oil And 10% Pure Olive Oil" were false and misleading since the product did not contain, respectively, 20 percent and 10 percent of pure olive oil; and, Section 403 (k), the product contained an artificial flavoring and did not bear labeling stating that fact.

DISPOSITION: June 2, 1950. Pleas of guilty having been entered on behalf of the Santuzza Oil Co., Inc., as to counts 2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22, and 24, and the Loumen Drug Co. as to count 1, the court fined the former \$12,000 and the latter \$1,000.

16747. Adulteration and misbranding of oil. U. S. v. Keystone Grocery Distributing Co. of Pittsburgh, Inc., and Antonio Certo. Pleas of guilty. Antonio Certo fined \$100, plus costs; charges against corporation nolle. (F. D. C. No. 25287. Sample Nos. 18215-K, 19211-K, 19212-K.)

INDICTMENT RETURNED: September 23, 1948, Western District of Pennsylvania, against Keystone Grocery Distributing Co. of Pittsburgh, Inc., Pittsburgh, Pa., and Antonio Certo, president.

ALLEGED SHIPMENT: On or about October 20 and 22, 1947, from the State of Pennsylvania into the State of Ohio.

LABEL, IN PART: "One Gallon Fortebraccio Brand A Pure Blend of 80% Cotton Seed Oil, Corn Oil and 20% Olive Oil. Keystone Grocery Distributing Co. of Pittsburgh, Inc. Pittsburgh, Pa." and "Fortebraccio Brand E' Prodotto Dalla Migliore Qualita' D'Olio. Ed E' Preparato Con Massime Cure E' Specialmente Raccomandato: Per Cucinare Per Le Insalate E Per Fritture."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), an artificially flavored mixture of cottonseed and corn oils containing little, if any, olive oil, had been substituted for 80% of cottonseed and corn oils and 20% of olive oil, which the product was represented to be; and, Section 402 (b) (4), artificial flavor had been added to the product and mixed and packed with it so as to make it appear to be a product containing a substantial amount of olive oil, which is better and of greater value than the product.

Misbranding, Section 403 (a), the label statement "A Pure Blend of 80% Cotton Seed Oil, Corn Oil and 20% Olive Oil" was false and misleading; and, Section 403 (f), the information required by law to appear on the label, namely, the statement of the quantity of the contents and the common or usual name of each ingredient of the product, were not prominently placed thereon in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use since the product was intended for sale to, and consumption by, persons of Italian descent by reason of representations on the label in the Italian language; and the statement of the quantity of the contents and the common or usual name of each ingredient of the product were not set forth on the label in the Italian language.

DISPOSITION: May 31, 1950. A plea of guilty having been entered, Antonio Certo was fined \$100, plus costs. A nolle prosequi was entered on June 6, 1950, for the Keystone Grocery Distributing Co. of Pittsburgh, Inc., since the corporation had been dissolved.