

table and medicinal use Diamante Italian Olive Oil Co. * * * [similar statements in Italian],” and (top) “Pure Imported Olive Oil”; and (1 can, main panels) “Pure Olive Oil Lucca Imported Product * * * Puro Olio d’Oliva Lucca Prodotto Importato [designs],” (side panels) “This olive oil is guaranteed to be absolutely pure under any chemical analysis Recommended for table use and medicinal purposes Packed By Il Vero Pure Olive Oil Co. * * * [similar statements in Italian],” and (top) “Imported Pure Olive Oil.” (2) In that it was offered for sale under the name of another food. (3) 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. (4) In that it contained artificial coloring and failed to bear labeling stating that fact. (5) (18 cans only) 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 October 27, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

2784. Adulteration and misbranding of olive oil. U. S. v. 17 Cans and 107 Cases of Olive Oil. Default decrees of condemnation and destruction. (F. D. C. Nos. 5177, 5243. Sample Nos. 50996-E, 59523-E.)

This product was represented to be pure olive oil, but consisted essentially of cottonseed oil with little or no olive oil, and the label failed to bear the name and place of business of the manufacturer, packer, or distributor. The Lucca brand oil contained an uncertified coal-tar color.

On July 18 and 29, 1941, the United States attorney for the District of Maryland filed a libel against 17 gallon cans, and 107 cases each containing 6 gallon cans of olive oil at Baltimore, Md., alleging that the article had been shipped from New York, N. Y., within the period from on or about May 29 to on or about November 22, 1940, by Pietro Esposito Co., Jos. Nunziato Co., and F. Caracciolo; and charging that it was adulterated and misbranded. It was labeled in part: “Pulcella Brand,” or “Olio di Oliva-Vergine Lucca Brand.”

The Pulcella brand was alleged to be adulterated in that a substance containing little or no olive oil had been substituted wholly or in part for olive oil, which it purported to be. The Lucca brand was alleged to be adulterated (1) in that an artificially colored cottonseed oil containing little or no olive oil had been substituted in whole or in part for olive oil, which it purported to be; (2) in that inferiority had been concealed by the addition of artificial coloring; (3) in that 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; and (4) in that it contained a coal-tar color other than one from a batch that had been certified in accordance with regulations as provided by law.

The Pulcella brand was alleged to be misbranded in that the following statements, “Guaranteed Pure Olive Oil Extra Fine Imported Lucca Italy,” “We guarantee our olive oil to be absolutely pure under any chemical analysis—insuperable for table use and excellent for medicinal purposes [and similar statements in Italian],” were false and misleading as applied to an article consisting essentially of cottonseed oil containing little or no olive oil. The Lucca brand oil was alleged to be misbranded (1) in that the following statements, “Olio di Oliva-Vergine Lucca * * * Prodotto Italiano Olio d’Oliva This olive oil is guaranteed pure Olio d’Oliva. Questo Olio e garantito di puro oliva Olio d’Oliva * * * Imported Pure Olive Oil,” were false and misleading as applied to an article that consisted essentially of artificially colored cottonseed oil containing little or no olive oil; and (2) in that it contained artificial coloring and failed to bear labeling stating that fact. Both brands were alleged to be misbranded (1) in that the article was offered for sale under the name of another food; and (2) 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 September 11, 1941, no claimant having appeared for the Pulcella brand, judgment of condemnation was entered and the product was ordered destroyed. On October 25, 1941, Luigi Di Pasquale, claimant for the Lucca brand, having withdrawn his claim and answer to the libel, judgment of condemnation was entered and the product was ordered destroyed.

2785. Misbranding of oil. U. S. v. 34 and 9 Cans of Oil. Default decree of condemnation and forfeiture. Product ordered delivered to a charitable institution. (F. D. Co. No. 5768. Sample Nos. 74388-E, 74389-E.)

This product consisted essentially of peanut oil, with a small amount of cottonseed oil, and contained little or no olive oil, and was artificially flavored and colored to simulate olive oil.