

24255. Misbranding of salad oil. U. S. v. 64 Cartons, et al., of Salad Oil. Decree of condemnation. Product released under bond to be re-labeled. (F. & D. no. 34117. Sample nos. 4897-B, 4898-B, 4899-B.)

This case involved various interstate shipments of a product consisting of domestic cottonseed oil containing little or no olive oil, which was labeled to convey the impression that it was olive oil.

On or about October 20, 1934, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 156 cartons of salad oil at Baltimore, Md., alleging that the article had been shipped in interstate commerce between the dates of September 1 and October 8, 1934, by the Southern Cotton Oil Co. (Wesson Oil & Snowdrift Sales Co.), from Savannah, Ga., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Angela Mia Brand Olio [or "Carnevale Brand Olio" or "77 Olio"] * * * Wesson Oil & Snowdrift Sales Co. New York."

The article was alleged to be misbranded in the following respects: The prominent statement "Angela Mia * * * Olio", the deep green color of the can suggesting olives, the picture of a woman with black hair and Italian facial characteristics, and the reference to Italian cooking (Cucina All' Italiana) on the label of the Angela Mia brand, were misleading and tended to deceive and mislead the purchaser, since they created the impression that the product was imported olive oil, whereas it was domestic cottonseed oil containing little or no olive oil; in that the prominent word "Olio" the Italian name "Carnevale", the reference to Italian cooking (Cucina All' Italiana), the vignette of a dancer in foreign costume, and two of the Italian national colors (red and green), on the label of the Carnevale brand, were misleading and tended to deceive and mislead the purchaser, since they created the impression that the product was imported olive oil, whereas it was domestic cottonseed oil containing little or no olive oil; the prominent and unqualified word "Olio", which to the consumer of Italian lineage means olive oil, and the reference to Italian cooking ("Cucina All' Italiana") on the label of the "77 Olio", were misleading and tended to deceive and mislead the purchaser, since they created the impression that the product was olive oil, whereas it was domestic cottonseed oil containing little or no olive oil. Misbranding was alleged with respect to the Angela Mia brand and the Carnevale brand for the further reason that the article purported to be a foreign product when not so.

On January 17, 1935, a claim having been entered for the product, judgment of condemnation and forfeiture was entered, and it was ordered that the product be released under bond conditioned that it be relabeled.

M. L. WILSON, *Acting Secretary of Agriculture.*

24256. Adulteration of canned shrimp. U. S. v. 79 Cases, et al., of Canned Shrimp. Default decree of condemnation and destruction. (F. & D. nos. 34158 to 34161, incl. Sample nos. 1786-B to 1789-B, incl.)

This case involved an interstate shipment of canned shrimp which was found to be in part decomposed.

On October 23, 1934, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 612 cases of canned shrimp at San Francisco, Calif., alleging that the article had been shipped in interstate commerce on or about September 1, 1934, by L. C. Mays & Co., from New Orleans, La. [packed by J. H. Pelham Co., Pascagoula, Miss.], and charging adulteration in violation of the Food and Drugs Act. The article was labeled variously: "Extra Nice Brand dry pack Shrimp * * * Packed for Smith Lynden and Co., San Francisco, Calif."; "Seamaid Brand Shrimp dry pack * * * L. C. Mays Company distributors, New Orleans, U. S. A."; and "Sea Fresh Brand Shrimp * * * packed by the J. H. Pelham Co., Pascagoula, Miss."

The article was alleged to be adulterated in that it consisted wholly or in part of a decomposed animal substance.

On February 1, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

24257. Misbranding of salad oil. U. S. v. 197 Cans of Salad Oil. Consent decree of condemnation. Product released under bond to be re-labeled. (F. & D. no. 34172. Sample nos. 4509-B.)

This case involved a product sold in the District of Columbia, which consisted of domestic cottonseed oil containing little or no olive oil, and which was