

Olio D'Oliva Toscano [designs of olive branches and Italian coat of arms]", "This Olive Oil is guaranteed to be absolutely pure and is highly recommended \* \* \* Questo Olio D'Oliva e garantito assolutamente puro ed e raccomandato per uso tavola e medicinale. \* \* \* Imported Olive Oil"; (Caruso brand) "Imported Pure Olive Oil", "Olio D'Oliva Puro Importato", "Pure Olive Oil This Olive Oil is guaranteed to be absolutely pure under chemical analysis. Quest'olio e garantito assolutamente puro sotto analisi chimica [designs of olive branches, of Italian coat of arms, and of Italian flag]", "Caruso Brand Above All Others"; (Tosca brand) design of an Italian flag, Italian coat of arms, olive trees, and women gathering olives, "Pure Italian Olive Oil \* \* \* Italy \* \* \* Olive Oil Pure Olive Oil \* \* \* This Olive Oil is guaranteed to be absolutely pure under chemical analysis. Dieses Olive Oel ist garantie absolute rein unter chemischer analyse. Cette Huile d'Olives est garantie absolument pure sous analyse chimique. Questo Olio di Oliva e garantito assolutamente puro sotto analisi chimica", "Imported Olive Oil"; (Sparviero brand) designs of olive branches with olives, "Lucca Toscana Italy Virgin Guaranteed Pure Olive Oil Imported from Italy This olive oil is guaranteed to be absolutely pure Recommended for Medicinal and Table Use", "Imported Olive Oil."

The article was in the half-pint cans and a part of that in the half-gallon cans was alleged to be further misbranded in that the statements on the labels, "Net Contents One-half Gallon", "Net Contents Half Pint", and "Contiene Netto Un Sedicesimo", were false and misleading and tended to deceive and mislead the purchaser when applied to a product in cans containing less than the amount declared on the labels; and in that it was food in package form and the quantity of contents was not plainly and conspicuously marked on the outside of the package, since the quantity stated was not correct.

On October 8, 1936, Arte Products Co., Inc., claimant, having admitted the allegations of the libels and having consented to the entry of decrees, a consolidated decree of condemnation was entered and it was ordered that the product be released under bond conditioned that it be transferred to drums and labeled "Tea Seed Oil Flavored With Olive Oil", under the supervision of this Department.

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

**26543. Adulteration and misbranding of olive oil. U. S. v. 77 Gallon Cans, et al., of Olive Oil. Default decrees of condemnation and destruction.** (F. & D. nos. 37425, 37426, 37552, 37594. Sample nos. 52914-B, 52915-B, 61733-B, 61735-B, 68824-B.)

These cases involved olive oil that was adulterated with tea-seed oil and a portion of which was short in volume.

On March 30, 1936, the United States attorney for the Middle District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 89 gallon cans of olive oil at Scranton, Pa. On April 6 and April 16, 1936, libels were filed against 11 half-gallon cans and 30 quart cans of olive oil at St. Louis, Mo.; and 65 gallon cans, 4 half-gallon cans, and 19 quart cans of olive oil at New Orleans, La. It was alleged in the libels that the article had been shipped in interstate commerce in various shipments between the dates of September 28, 1935, and February 24, 1936, by Moscahlades Bros., from New York, N. Y., and that it was adulterated and misbranded in violation of the Food and Drugs Act. The article was labeled in part: "Elephant Brand Imported Virgin Olive Oil Embro Import Co., \* \* \* New York, N. Y. Sole Distributors."

The article was alleged to be adulterated in that tea-seed oil had been mixed and packed with the article so as to reduce or lower its quality or strength; and in that tea-seed oil had been substituted in whole or in part for olive oil, which the article purported to be.

The article was alleged to be misbranded in that the following statements and designs appearing upon the package were false and misleading and tended to deceive and mislead the purchaser when applied to a product containing tea-seed oil: The design of an olive branch with olives; and the statements "Imported Virgin Olive Oil \* \* \* The Olive Oil contained in this can is pressed from fresh picked selected olives. It is guaranteed to be absolutely pure under chemical analysis and is highly recommended for table use and medicinal purposes. \* \* \* Olio puro d'Oliva Vergine \* \* \* L'Olio di oliva che questa latta contiene, e prodotto da olive accuramente scelte. E garan-

tito di essere assolutamente puro sotto qualunque analisi chimica. Esso e altamente raccomandato tanto per uso da tavola come per uso medicinale"; "Imported from Italy"; "Imported Olive Oil." The article was alleged to be misbranded further in that it was offered for sale under the distinctive name of another article.

A portion of the article was alleged to be misbranded further in that the statement on the label, "Half Gallon", was false and misleading and tended to deceive and mislead the purchaser when applied to a product packed in cans containing less than a half gallon; and in that it was food in package form and the quantity of contents was not plainly and conspicuously marked on the outside of the package, since the quantity stated was not correct.

On July 10 and July 17, 1936, and January 6, 1937, no claimant having appeared, judgments of condemnation were entered and it was ordered that the product be destroyed.

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

**26544. Adulteration of canned salmon. U. S. v. 55½ Cases of Salmon. Decree of condemnation. Product released under bond for segregation and destruction of decomposed portion.** (F. & D. no. 37473. Sample nos. 55178-B, 55569-B.)

This case involved canned salmon that was in part decomposed.

On March 30, 1936, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 55½ cases of salmon at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about November 25, 1935, by Pacific American Fisheries, Inc., from South Bellingham, Wash., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "White City Brand Fancy Pink Salmon \* \* \* Samuel Kunin & Sons, Inc. Distributors Chicago, Ill."

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

On November 9, 1936, the Pacific American Fisheries, Inc., claimant, having in its amended answer admitted the material allegations of the libel, judgment of condemnation was entered and it was ordered that the product be released under bond, conditioned that the cans containing decomposed salmon be separated therefrom and destroyed.

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

**26545. Adulteration and misbranding of olive oil. U. S. v. Eighteen 1-Gallon Cans, et al., of Alleged Olive Oil. Default decrees of condemnation. Product turned over to charitable institutions.** (F. & D. nos. 37476, 37477, 37510, 37572. Sample nos. 61561-B, 61562-B, 61565-B, 61566-B.)

These cases involved olive oil that was adulterated with tea-seed oil.

On or about April 2 and April 15, 1936, the United States attorney for the District of Connecticut, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 122 gallon, half-gallon, and quart cans of alleged olive oil at Hartford, Conn.; 22 gallon and half-gallon cans of the product at Waterbury, Conn.; and 71 gallon and half-gallon cans of the product at Meriden, Conn., alleging that the article had been shipped in interstate commerce on or about July 5 and November 22, 1935, February 26 and March 4, 1936, by Vincent Buonocore, Inc., from New York, N. Y., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was variously labeled in part: "Aurora Brand Virgin Olive Oil Italian Product Packed for Aurora Importing Company, Waterbury, Conn.," "Tre Ancore Brand Pure Italian Olive Oil Product of V. B. Inc.," "Roma Brand Pure Olive Oil", "Michele Spinelli Brand Pure Olive Oil \* \* \* Packed by Michele Spinelli Hartford, Conn."

The article was alleged to be adulterated in that tea-seed oil had been mixed and packed therewith so as to reduce or lower its strength or quality; and in that tea-seed oil had been substituted in whole or in part for olive oil, which the article purported to be.

The article was alleged to be misbranded in that the following statements on the labels, were false and misleading and tended to deceive and mislead the purchaser when applied to a product containing tea-seed oil: (Tre Encore brand) "Tre Ancore \* \* \* Pure Italian Olive Oil", "Tre Ancore \* \* \*