

Olio D'Oliva Italliano Puro Prodotto di \* \* \* (design of olive branches) Pure Imported Olive Oil—The absolute purity of the olive oil contained in this tin is guaranteed by the packers under any chemical analysis \* \* \* Olio d'oliva importato—Sene Garentisce l'assoluta purita sotto analisi—Da potersi usare anche per medicinale [designs of leaves and fruit of the olive tree]"; (Aurora brand) "Virgin Olive Oil Italian Product", "Olio D'Oliva Vergine Prodotto Italiano", "This olive oil is guaranteed to be absolutely pure \* \* \* Quest'olio d'oliva e garantito assolutamente puro—E raccomandato per uso da tavola, cucina e per uso medicinale. [Designs of olive branches]", "Imported Olive Oil"; (Roma brand) "Roma \* \* \* Pure Olive Oil Il Campidoglio (Roma) Marca Registrata \* \* \* Imported Product", "Roma \* \* \* Pure Olio D'Oliva Il Campidoglio (Roma) Marca Registrata \* \* \* Prodotto Importato [design of a building which apparently is meant to be the Capitol at Rome]", "Questo Olio D'Oliva e garantito assolutamente puro sotto analisi chimica Marca Roma—This Olive Oil is guaranteed to be absolutely pure under chemical analysis Roma"; (Michele Spinelli brand) "Pure Olive Oil This olive oil is absolutely pure recommended for medicinal and table use guaranteed under chemical analysis Pure Olive Oil \* \* \* Puro Olio d'Oliva Questo olio d oliva e assolutamente puro e raccomandato per uso medicinale e cucina e garantito sotto qualunque analisi chimica Puro olio d'Oliva \* \* \* Imported Olive Oil." Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article, namely, olive oil.

On June 15, 1936, no claimants having appeared, judgments of condemnation were entered and it was ordered that the product be distributed to charitable institutions and the containers destroyed.

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

**26546. Adulteration and misbranding of preserves. U. S. v. 5 Cases of Alleged Raspberry Preserves, et al. Default decree of condemnation and destruction. (F. & D. no. 37578. Sample no. 48744-B.)**

This case involved preserves that contained less fruit and more sugar than standard preserves should contain. Two of the three varieties contained added pectin.

On April 14, 1936, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 22 cases of preserves at Miami, Fla., alleging that the articles had been shipped in interstate commerce on or about January 4, January 30, and February 20, 1936, by Brook-Maid Food Co., Inc., from Brooklyn, N. Y., and charging adulteration and misbranding in violation of the Food and Drugs Act. The articles were variously labeled in part: "Brook-Maid Brand Pure deLuxe Raspberry [or "Blackberry" or "Strawberry"] Preserves Brook-Maid Food Co., Inc., Brooklyn, N. Y."

The articles were alleged to be adulterated in that excess sugar in the case of the raspberry, and excess sugar and pectin in the case of the blackberry and strawberry, had been mixed and packed with the articles so as to reduce or lower their quality; in that mixtures of fruit and sugar, the blackberry and strawberry also containing added pectin, said mixtures containing less fruit and more sugar than preserves should contain, had been substituted for preserves which the articles purported to be; and in that the articles had been mixed in a manner whereby inferiority was concealed.

The articles were alleged to be misbranded in that the statements on the labels, "Pure \* \* \* Raspberry Preserves", "Pure \* \* \* Blackberry Preserves", and "Pure Strawberry Preserves", were false and misleading and tended to deceive and mislead the purchaser when applied to products resembling preserves, but which contained less fruit than preserves should contain, the deficiency in fruit being concealed by the addition of excess sugar in the case of the raspberry preserves and by the addition of excess sugar and pectin in the case of the blackberry and strawberry preserves. The articles were alleged to be misbranded further in that they were imitations of and were offered for sale under the distinctive names of other articles.

On September 8, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the products be destroyed.

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