

ing Co., P. E. & B., Inc." The label bore the statement "Composed of eighty-five per cent choice salad oil and fifteen per cent Lucca Olive Oil," the words "Lucca Olive Oil" being larger and more conspicuous than the remainder of the statement.

The article was alleged to be adulterated in that added cottonseed oil—and in one lot—added peanut oil, had been mixed and packed with it so as to reduce, lower, and injuriously affect its quality; and in that a mixture of olive oil and cottonseed oil—in one lot, peanut oil— and consisting almost wholly of domestic cottonseed oil or peanut oil, had been substituted for olive oil, which it purported to be.

The article was alleged to be misbranded in that the statements "Lucca Olive Oil" and "Olio D'Oliva Di Lucca" in large conspicuous type, not followed or preceded by any negative statement in as large and conspicuous type, and the statements, "Olio Finissimo, La Gloriosa Brand Premiato All' Esposizione Di Roma Italia 1924" in Italian, and the equivalent of the said statements in English in large conspicuous type, together with designs of olive branches, crowns, and the Italian national colors and medals, borne on the cans, were false and misleading, and were borne on the cans so as to deceive and mislead the purchaser, in that they represented that the article was olive oil produced in and imported from Italy; whereas it was not olive oil produced in and imported from Italy, but was a product consisting almost wholly of domestic cottonseed oil, with some peanut oil present in one lot. It was alleged to be misbranded further in that it was an imitation of another article, namely, olive oil. The article in certain lots was alleged to be misbranded further in that the statement "One Gallon Net," borne on the cans, was false and misleading and was borne thereon so as to deceive and mislead the purchaser, since the cans contained less than 1 gallon net; and it was alleged to be misbranded further 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 cans contained less than declared.

On December 5, 1938, pleas of guilty were entered on behalf of the defendants. On December 12, 1938, the court imposed and remitted a fine of \$19 on the corporation, imposed a fine on the individual defendant of \$200 on the first count and suspended imposition of sentence on the remaining 18 counts, and placed the defendant on probation for a period of 1 year.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29927. Adulteration and misbranding of olive oil. U. S. v. Import Oil Corporation and John Esposito. Pleas of guilty. Corporation fined \$1,200. John Esposito fined \$600, sentenced to imprisonment for 60 days, and placed on probation for 3 years. (F. & D. No. 36087. Sample Nos. 36243-B, 36250-B.)

This product was represented to be imported olive oil, but consisted of oil or oils other than olive oil which was artificially flavored and in some lots was artificially colored. It also was short of the declared volume.

On June 10, 1938, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Import Oil Corporation, New York, N. Y., and John Esposito, alleging shipment by said defendants in violation of the Food and Drugs Act as amended, on or about June 13, 1935, from the State of New York into the State of Rhode Island of quantities of so-called olive oil which was adulterated and misbranded. The article was labeled in part, "Berino [or "Lora"] Brand."

Adulteration was alleged in that a substance, namely, oil other than olive oil artificially flavored and a part of which was artificially colored, had been substituted for olive oil, which the article purported to be.

Misbranding was alleged in that the following statements on the can labels (Berino brand) "Italian Product Sublime Olive Oil Berino Brand Lucca-Italia * * * The Purity Of This Olive Oil Is Guaranteed Under Chemical Analysis And We Recommend It For Table And Medicinal Uses," (impressed in can) "Imported From Italy," (Lora brand) "Superfine Olive Oil Extra Quality Lora Brand Imported From Italy * * * First Pressing Cream Olive Oil Highly Recommended For Table And Medicinal Use * * * Il Contenuto Di Questa E Garentito Olio D'Oliva Assolutamente Puro Sotto Analisi Chimica Ottimo Per Uso Da Tavola Che Per Uso Medicinale," (impressed in can) "Imported From Italy," together with the designs of olive branches bearing the ripened fruit on the main panel of the cans, and the design of olive branches

on the side panels, were false and misleading and by reason of the said statements and designs the article was labeled so as to deceive and mislead the purchaser in that they represented that the article consisted wholly of olive oil produced in and imported from Italy; whereas it was not such a product but was a domestic product consisting of oil other than olive oil, artificially flavored and a part of which was artificially colored. The article was alleged to be misbranded further in that the statement "net contents 1 gallon," borne on the label, was false and misleading and by reason of the said statement the article was labeled so as to deceive and mislead the purchaser since the contents of each of the cans examined was less than 1 gallon. Misbranding was alleged further in that the article was an imitation of and was offered for sale under the distinctive name of another article, namely, olive oil; and in that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the cans, since the amount actually contained in the can was not stated on the outside thereof.

On December 6, 1938, pleas of guilty were entered on behalf of the defendants. On December 14, 1938, the court imposed a fine of \$1,200 against the corporation. John Esposito also was fined \$600, sentenced to a term of imprisonment for 60 days, and placed on probation for a period of 3 years.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29928. Adulteration and misbranding of olive oil. U. S. v. Pietro Esposito (Itolo Olive Oil Co.) Plea of guilty. Fine, \$500. (F. & D. No. 36085. Sample Nos. 36245-B to 36249-B, inclusive.)

This product was represented to be imported olive oil, but consisted of oil or oils other than olive oil that was artificially flavored and in some lots was artificially colored. It was also short of the declared volume.

On June 10, 1938, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Pietro Esposito, trading as the Itolo Olive Oil Co., New York, N. Y., alleging shipment by said defendant in violation of the Food and Drugs Act as amended, on or about June 13, 1935, from the State of New York into the State of Rhode Island, of quantities of so-called olive oil which was adulterated and misbranded, as the article was labeled in part, variously: "Lora Brand," "Italia Brand," "Acomo Fo Brand," or "Adriatic Star Brand."

The information alleged that the article was adulterated in that a substance, namely, oil other than olive oil, artificially flavored and a part of which was also artificially colored had been substituted for olive oil, which it purported to be.

Misbranding was alleged in that the following statements and designs borne on the labels were false and misleading and by reason thereof the article was labeled and branded so as to deceive and mislead the purchaser in that they represented that it consisted solely of olive oil produced in and imported from a foreign country, namely, Italy; whereas it was not such a product but was a domestic product consisting of oil other than olive oil, artificially flavored and a portion of which was also artificially colored: (Lora brand) "Super Fine Olive Oil Extra Quality Lora Brand Imported From Italy First Pressing Cream Olive Oil Highly Recommended For Table And Medicinal Use Il Contenuto Di Questa E. Garentito Olio D'Oliva Assolutamente Puro Sotto Analisi Chimica Ottimo Per Uso Da Tavola Che Per Uso Medicinale [design of olive branches bearing the ripened fruit and design representing an olive orchard]"; (portion of Italia brand) "Super Fine Olive Oil Imported Italia Brand Premiato In Tutte Le Esposizioni Europee First Pressing Cream Olive Oil Recommended Highly For Table And Medicinal Use [design of olive branches bearing ripened fruit and design purporting to be an Italian flag]"; (remainder of Italia brand) "Italia Brand Olio Puro D'Oliva Vergine Confezionato In Italia Impaccato Espressamente Per San Remo Olive Oil Co. Questo Olio D'Oliva E Carentito Assolutamente Puro Sotto Analisi Chimica Ottimo Per Uso Da Tavola Che Per Uso Medicinale [design of olive branches bearing ripened fruit and design purporting to be Italian flag]"; (Acomo Fo brand) "Imported Products Sublime Olive Oil Acomo Fo Brand The Olive Oil contained in this can is pressed from fresh picked high grown fruit, packed by the grower under the best sanitary condition, and guaranteed to be absolutely pure under any chemical analysis. The producer begs to recommend to the consumer to destroy this