

It was alleged to be adulterated in that it consisted wholly or in part of a filthy vegetable substance.

On February 20, 1939, Capital Grain & Feed Co., Montgomery, Ala., claimant, having admitted the material allegations of the libel, judgment of condemnation was entered, and the product was ordered released under bond conditioned that it be manufactured into feed for livestock.

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

30372. Misbranding of oil. U. S. v. 17 Gallon Cans, et al., of Oil. Default decrees of condemnation. Product delivered to charitable institutions. (F. & D. No. 44672. Sample Nos. 35370-D to 35373-D, inclusive.)

This product was labeled to indicate that it was imported olive oil; whereas it consisted of artificially flavored mixtures of various edible oils including sesame oil, cottonseed oil, and corn oil which contained little or not olive oil. It also was short of the declared volume.

On January 13, 1939, the United States attorney for the District of Rhode Island, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 86 gallon cans of oil at Providence, R. I.; alleging that the article had been shipped in interstate commerce within the period from on or about December 24 to on or about December 28, 1938, by the Fifteenth Avenue Tea Co. from Brooklyn, N. Y.; and charging misbranding in violation of the Food and Drugs Act.

The article was alleged to be misbranded in that the following statements and designs appearing on the cans of the various brands were false and misleading and tended to deceive and mislead the purchaser when applied to mixtures of vegetable oils containing little or no olive oil which were not foreign products and which were short volume: (Riviera brand) "Net contents One Gallon * * * Pure Olive Oil Imported From Lucca Toscana Italy * * * Puro Olio D'Oliva Importato Da Lucca Toscana Italia This Olive Oil is guaranteed to be absolutely pure under chemical analysis. Quest olio d'oliva e garantito assolutamente puro sotto analisi chimica. Dieses oliven oel ist garantiert absolut rein unter chemischer analyse. Cette Huile d'olives est garantie absolument pure sous analyse chimique. Este aceite de olivo esta garantizado absolutamente puro bajo analisis quimica [design of olive branches bearing olives] * * * Imported Pure Olive Oil"; (Puglia brand) "One Gallon Net * * * Superfine Pure Olive Oil Imported From Lucca-Italy * * * This olive oil is guaranteed to be absolutely pure under any chemical analysis * * * Quest' olio d'oliva e garantito assolutamente puro sotto qualsiasi analisi chimica [designs of olive branches bearing olives and of the escutcheon of Italy] Imported From Italy"; (La Bella brand) "La Bella * * * Pure Olive Oil Lucca Net Contents One Gallon Pure Olive Oil This Olive Oil is Guaranteed Absolutely Pure Under Chemical Analysis * * * Quest' olio d'oliva e garentito assolutamente puro da qualsiasi analisi chimica [designs of olive branches bearing olives and of the Eastern Hemisphere with the country of Italy prominently displayed] * * * Imported Pure Olive Oil"; (Assurro brand) "One Gallon Net Cielo Assurro * * * Fine Oil Extra Quality * * * E Un Composto Delizioso Lo Raccomandiamo Per Insalate Per Fritture Per Cucinare * * * Imported Pure Olive Oil." It was alleged to be misbranded further 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 package, since the quantity stated was not correct.

On February 28, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to public or charitable institutions after its removal from the original cans.

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

30373. Adulteration of tomato paste. U. S. v. 450 Cases of Tomato Paste (and 2 other seizure actions against the same product). Consent decree of condemnation. Product released under bond for salvaging of good portion. (F. & D. Nos. 44629, 44630, 44631. Sample No. 20358-D.)

A portion of this product was found to contain insect and worm fragments.

On January 7, 1939, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 675 cases of tomato paste at Rochester, N. Y.; alleging that the article had been shipped in interstate commerce on or about November 28, 1938, by the Uddo Taormina Corporation from Buena Park, Calif.; and charging adulteration in violation of the Food

and Drugs Act. The article was labeled in part: "Angelina * * * Tomato Paste * * * Packed for * * * Francesco Cappellino & Sons, Rochester, N. Y."

It was alleged to be adulterated in that it consisted in whole or in part of a filthy vegetable substance.

On February 20, 1939, the Uddo Taormina Corporation having appeared as claimant and the cases having been consolidated, judgment of condemnation was entered, and the product was ordered delivered to the claimant under bond conditioned that those codes only which were found to be compliance with the law be released.

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

30374. Adulteration and misbranding of olive oil. U. S. v. 40 Cans, et al., of Olive Oil. Default decrees of condemnation. Product ordered delivered to charitable institutions. (F. & D. Nos. 44656, 44696. Sample Nos. 48901-D to 48905-D, inclusive.)

This product was represented to be imported olive oil of Italian origin; whereas it consisted principally of corn oil which was artificially flavored, and a part of which was artificially colored and contained little or no olive oil. It was also short of the declared volume.

On January 9 and 20, 1939, the United States attorney for the District of Rhode Island, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 157 cans of olive oil at Providence, R. I.; alleging that the article had been shipped in interstate commerce within the period from on or about November 15 to on or about December 16, 1938, by J. Valentino from New York, N. Y.; and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The article was variously labeled in part: "Riviera Brand"; "Lucca"; "Italia Brand"; "Olio di Oliva Vergine"; "A. Sasso Brand."

It was alleged to be adulterated in that corn oil, artificially flavored and a part of which was artificially colored, had been mixed and packed with it so as to reduce or lower its quality or strength, and had been substituted in whole or in part for the article. It was alleged to be adulterated further in that it had been mixed and colored in a manner whereby inferiority was concealed.

The article was alleged to be misbranded in that the following statements and designs borne on the labels were false and misleading and tended to deceive and mislead the purchaser when applied to an article containing little or no olive oil, which was not a foreign product, and which was short volume: (Riviera brand) Design of olive branches and olives and the statements, "Net Contents One Gallon * * * Pure Olive Oil Imported From Lucca Toscana Italy * * * Puro Olio d' Oliva Importato da Lucca Toscana Italia," and "This Olive Oil is guaranteed to be absolutely pure under chemical analysis [and similar statements in Italian, German, French, and Spanish]"; (Lucca brand) design of olive branch and olives and the statements, "One Gallon Net * * * Pure Olive Oil Lucca Imported Product * * * Puro Olio d'Oliva Lucca Prodotto Importato," "This olive oil is guaranteed to be absolutely pure under any chemical analysis Recommended for table use and medicinal purposes," "Quest' Olio d'Oliva e garantito assolutamente puro sotto qualsiasi analisi chimica raccomandato per tavola e per uso medicinale," and "Imported Pure Olive Oil"; (Italia brand) design of olive branches and olives, and Italian flag and the statements, "Contents One Gallon Italia * * * Olive Oil Imported Lucca-Italia," "Olio d'Oliva * * * Importato Lucca-Italia," "The purity of this olive oil is guaranteed under chemical analysis and we recommend it for table and medicinal uses," and "La purezza di quest' olio e garantita all' analisi chimica noi lo raccomandiamo per uso tavola che per uso medicinale"; (Olio di Oliva Vergine) designs of olive branch and olives, and olive tree, and the statements, "Net Contents one Gallon 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," and "Imported Pure Olive Oil"; (A. Sasso brand) "One Gallon Superfine Olive Oil * * * Imported * * * Olio d'Oliva Sopraffino * * * Importato * * * Pure Olive Oil Imported * * * Olio Puro d'Oliva Raccomandato per uso medicinale * * * Puro Olio di Oliva [designs of olive branches and olives]."

It was alleged to be misbranded further in that it was an imitation of and was offered for sale under the distinctive name of another article, namely, olive