

It was alleged to be misbranded (all lots) in that it was sold under the name of another food. It was alleged to be misbranded further in that the following statements and designs were false and misleading in that they were incorrect: (49 gallon cans) "Pure Olive Oil Imported from Lucca Toscana Italy [design of olive branches and olives] * * *. This Olive Oil is guaranteed to be absolutely pure under chemical analysis [similar statements in Italian] Imported Pure Olive Oil"; (21 gallon cans) "Superfine Pure Olive Oil Imported from Lucca Italy [design of a crown, shield, and olive branches] * * *. This Olive Oil is guaranteed to be absolutely pure under any chemical analysis. Recommended for table use and medicinal purposes [similar statements in Italian] Pure Olive Oil"; (5 gallon cans) "Imported Olive Oil * * * Lucca Toscana Italia [design of an olive tree and olive branches] * * *. This Olive Oil imported from the Italian Riviera is guaranteed to be absolutely pure under any chemical analysis [similar statements in Italian] Pure Imported Olive Oil"; (9 gallon cans) "Superfine Olive Oil * * * Imported Product [design of an olive branch] Pure Olive Oil Imported [similar statements in Italian]"; (3 gallon cans, 2 half-gallon cans, and 23 quart cans) "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 [similar statements in Italian and design of an olive branch and gold medals] Pure Imported Olive Oil"; (2 gallon cans) "Supreme Olive Oil Imported Lucca Italia [design of olive branches, Italian flag, and shield, and gold medals] * * *. The purity of this Olive Oil is guaranteed under chemical analysis and we recommend it for table and medicinal uses [similar statements in Italian] Imported Pure Olive Oil." The product in the gallon cans was alleged to be misbranded further in that it was an imitation of another food and its label did not bear in type of uniform size and prominence the word "imitation" and, immediately thereafter, the name of the food imitated; and in that it contained artificial flavoring (87 cans) and artificial coloring (2 cans), but did not bear labeling stating that fact.

On February 21, 1941, no claimant having appeared, judgment of condemnation was entered and it was ordered that 1 gallon of the product be delivered to this Agency as a sample and the remainder distributed to charitable institutions. On March 14, 1941, the decree was amended to provide that this Agency be furnished samples from each brand.

1667. Adulteration and misbranding of olive oil. U. S. v. 19 Cans of Olive Oil. Default decree of condemnation and destruction. (F. D. C. No. 3587, Sample No. 36967-E.)

This product was represented to be imported olive oil, but consisted essentially of artificially flavored and artificially colored cottonseed oil containing little or no olive oil.

On December 23, 1940, the United States attorney for the District of Massachusetts filed a libel against 19 cans of olive oil at Quincy, Mass., alleging that the article had been shipped in interstate commerce by Guy Fillipelli from New Rochelle, N. Y., on or about November 15, 1940; and charging that it was adulterated and misbranded. It was labeled in part: "Tivoli Brand Pure Imported Olive Oil."

The article was alleged to be adulterated in that a product consisting essentially of artificially flavored and artificially colored cottonseed oil containing little or no olive oil had been substituted wholly or in part for olive oil, which it purported to be. It was alleged to be adulterated further in that inferiority had been concealed by the addition of artificial flavor and artificial color, and in that artificial flavor and artificial color had been added thereto or mixed or packed therewith so as to make it appear better or of greater value than it was.

It was alleged to be misbranded in that the picture of olive trees and workers gathering olives and the following statements in the labeling were false and misleading as applied to an article consisting essentially of artificially flavored and artificially colored cottonseed oil containing little or no olive oil: "Pure Imported Olive Oil"; and "Tivoli Brand olive oil is guaranteed to be one of the finest olive oils. The olive oil contained in this can is pressed from fresh picked ripe and selected olives. It is an absolutely pure product, highly recommended for table use and medical purposes * * * [similar statements in Italian]."

It was alleged to be misbranded further in that it was an imitation of another food and its label failed to bear, in type of uniform size and prominence,

the word "imitation" and, immediately thereafter, the name of the food imitated; and in that it contained artificial flavoring and artificial coloring and did not bear labeling stating that fact.

On February 10, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1668. Misbranding of olive oil. U. S. v. 3, 5, and 12 Cases of Oil. Default decree of condemnation and order that samples be delivered to Government and remainder distributed to charitable institutions. (F. D. C. No. 2649. Sample Nos. 33369-E, 33370-E, 33371-E.)

This product was a mixture consisting essentially of cottonseed oil and an oil other than olive oil, and containing little or no olive oil. All lots contained artificial flavor, and one lot also contained artificial color. All lots were short of the declared volume, and were misbranded further as indicated below.

On or about August 23, 1940, the United States attorney for the District of Connecticut filed a libel against 20 cases of olive oil at New Haven, Conn., alleging that the article had been shipped in interstate commerce on or about August 6, 1940, by the Jersey Olive Oil Co. from New York, N. Y.; and charging that it was adulterated and misbranded. It was labeled in part: "Sublime Product Pure Olive Oil Gioiosa Brand"; "Roberta Brand Pure Olive Oil"; and "Pulcella Brand Guaranteed Pure Olive Oil."

The article was alleged to be adulterated in that artificially flavored, or artificially flavored and colored mixtures of cottonseed oil, and an oil other than olive oil had been substituted wholly or in part for olive oil; in that inferiority had been concealed by the addition of artificial flavor or artificial flavor and color; and in that artificial flavor or artificial flavor and color had been added thereto or mixed or packed therewith so as to make it appear better or of greater value than it was.

It was alleged to be misbranded in that the statements "One Gallon Net," "Net Contents One Gallon," and "Contents 1 Gallon" on the labels of the various lots, were false and misleading since they were incorrect.

All lots were alleged to be misbranded further in that the wording and design of the labels was false and misleading, since they implied that the article was olive oil of foreign origin. All lots were alleged to be misbranded further in that the article was an imitation of another food and was not labeled as such; in that it was in package form and the labels did not bear an accurate statement of the quantity of contents; in that it was fabricated from two or more ingredients and the labels did not bear the common or usual name of each ingredient; and in that it contained artificial flavoring or artificial flavoring and coloring and did not bear labeling stating that fact.

It was alleged to be misbranded further in that it was in package form and the labels of a portion did not bear the name and place of business of the manufacturer, packer, or distributor; and the labels of the remainder did not bear the place of business of the distributor.

On February 21, 1941, no claimant having appeared, judgment of condemnation was entered, and it was ordered that the marshal deliver one can of the oil to this Agency for use as a sample and distribute the remainder to charitable institutions. On March 14, 1941, the decree was amended to provide for delivery of a sample from each brand to this Agency.

SACCHARINE PRODUCTS

CANDY

1669. Adulteration of candy. U. S. v. Walter T. Hall (Walter T. Hall & Co.) and Eugene Wulfekuhler. Pleas of guilty. Fine of \$350 against each defendant and costs. (F. D. C. No. 2075. Sample Nos. 63832-D, 63833-D, 66982-D to 66986-D, incl., 84300-D, 85007-D, 85008-D, 85013-D.)

Samples of this product were found to contain rodent hairs, rodent excreta, human hairs, burlap fibers, and nondescript dirt.

On February 14, 1941, the United States attorney for the Southern District of Iowa filed an information against Walter T. Hall trading as Walter T. Hall & Co., Ottumwa, Iowa, and Eugene Wulfekuhler, alleging shipment within the period from on or about November 20, 1939, to on or about February 13, 1940, from the State of Iowa into the States of Illinois, Nebraska, and Missouri of quantities of candy that was adulterated. The article was variously labeled in part: "Hall's Chocolates Tease the Taste"; "Royal Crispies"; "Assorted Halo Jellies";