

tributor and an accurate statement of the quantity of the contents; (2) in that it did not bear a label showing the common or usual name of the food; (3) in that it did not bear a label showing the common or usual names of the ingredients from which it was fabricated; and (4) in that it contained artificial flavoring and artificial coloring and did not bear labeling stating that fact.

On April 18, 1941 (amending decree of March 29, 1941), no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

2516. Adulteration and misbranding of olive oil. U. S. v. 17 Cases of Olive Oil. Default decree of condemnation and destruction. (F. D. C. No. 5104. Sample No. 42574-E.)

This product purported to be olive oil but consisted essentially of cottonseed oil with little or no olive oil. The bottles were deceptive because of their height and irregular shape and a portion were labeled "16 Fl. Ozs." while all were of 1½-fluid-ounce size.

On July 8, 1941, the United States attorney for the Western District of Pennsylvania filed a libel against 17 cases, each containing 24 bottles, of olive oil at Johnstown, Pa., alleging that the article had been shipped in interstate commerce on or about January 14, 1941, by Sage Chemical Co. from Brooklyn, N. Y.; and charging that it was adulterated and misbranded. The article was labeled in part: "York Star Brand Pure Imported Olive Oil. * * * 1½ Fl. Ozs." [or "16 Fl. Ozs."].

It was alleged to be adulterated in that 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 misbranded in that the statements "Pure Imported Olive Oil For Medicinal and Table Use" on a portion of the bottles, and "Pure Imported Olive Oil" on the remainder of the bottles, were false and misleading as applied to cottonseed oil containing little or no olive oil; in that it was offered for sale under the name of another food; and in that its container was so formed as to be misleading since, because of its height and irregular shape, the purchaser had no conception of the quantity of oil in the bottle. A portion was alleged to be misbranded further in that the statement "Net Cont. 16 Fl. Ozs." was false and misleading since the bottles contained only 1½ fluid ounces; and in that it was in package form and did not bear a label containing an accurate statement of the quantity of the contents.

On August 22, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

2517. Misbranding of vegetable oil. U. S. v. 31 Cans of Soya Bean Oil Flavored with Imported Pure Olive Oil. Default decree of condemnation and destruction. (F. D. C. No. 5307. Sample No. 69247-E.)

This product contained little or no olive oil and had no olive oil odor or taste, and contained some cottonseed oil.

On August 6, 1941, the United States attorney for the Southern District of New York filed a libel against 31 cans of the above-named product at Marlborough, N. Y., alleging that the article had been shipped in interstate commerce on or about May 7, 1941, by Gus Sclafani from Stamford, Conn.; and charging that it was misbranded. The article was labeled in part: "One Gallon Genuine Product Patria Brand Exquisite Oil."

The article was alleged to be misbranded (1) in that the statement on the label, "Soya Bean Oil Flavored with Imported Pure Olive Oil," was false and misleading as applied to an article consisting essentially of an oil of the nature of soya bean oil with some cottonseed oil but containing little or no olive oil; (2) in that the statement on the label, "Prodotto Genuino * * * Patria L'Olio Esquisito per la Famiglia Italiana," was false and misleading since it created the impression that the article consisted of true olive oil; (3) in that the label contained representations in a foreign language (Italian) and the statement of the quantity of contents and the common or usual name of each ingredient which are required by law to appear in the labeling did not appear thereon in the foreign language; and (4) in that it was fabricated from two or more ingredients and its label failed to bear the common or usual name of each such ingredient.

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