

wholly or in part for olive oil, which the article purported to be; 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.

The article was alleged to be misbranded in that the following statements "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 [similar statements in foreign languages]" and "Imported from Italy," were false and misleading as applied to an article consisting essentially of cottonseed oil, containing little or no olive oil, and artificially flavored and colored to simulate olive oil; in that it was offered for sale under the name of another food; 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; in that it was in package form and did not bear a label containing the name and place of business of the manufacturer, packer, or distributor; and in that it contained artificial flavoring and artificial coloring and failed to bear labeling stating that fact.

On October 14, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2780. Adulteration and misbranding of oil. U. S. v. 6 Cans and 9 Cans of Edible Oil. Default decree of condemnation and destruction. (F. D. C. No. 4927. Sample Nos. 56676-E, 56677-E.)**

This product was found to consist essentially of an artificially flavored and colored mixture of cottonseed oil and another oil not olive oil. It contained a coal-tar color that had not been certified for food use.

On or about June 14, 1941, the United States attorney for the District of Connecticut filed a libel against 15 cans of edible oil at Torrington, Conn., alleging that the article had been shipped in interstate commerce on or about April 16, 1941, by L. Campo from New York, N. Y.; and charging that it was adulterated and misbranded. The article was labeled in part: (6 gallons) "One Gallon Net Prodotto Garantito Extra Fine Oil Sopraffino Brand"; or (9 gallons) "1 Gal."

The article was alleged to be adulterated in that it contained a coal-tar color other than one from a batch that had been certified in accordance with regulations as provided by law.

It was alleged to be misbranded (1) in that it was an imitation of another food, olive oil, 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; (2) in that it was in package form and did not bear a label containing the name and place of business of the manufacturer, packer, or distributor; (3) in that it was fabricated from two or more ingredients and its label failed to bear the common or usual name of each ingredient; and (4) in that it contained artificial flavoring and artificial coloring and did not bear labeling stating that fact. The 6-gallon lot was alleged to be misbranded further in that the label contained representations in a foreign language (Italian) but failed to contain in such language all the words, statements, and information required by or under the law to appear on the label.

On September 23, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2781. Misbranding of oil. U. S. v. 11 Glass Jugs and 12 Cans of Oil. Default decree of condemnation. Product ordered delivered to a charitable institution. (F. D. C. No. 5767. Sample Nos. 74390-E, 74391-E.)**

This product consisted essentially of cottonseed oil, artificially flavored and colored to simulate olive oil.

On or about September 20, 1941, the United States attorney for the District of New Jersey filed a libel against 11 unlabeled glass jugs and 12 labeled cans of oil at Newark, N. J., alleging that the article had been shipped in interstate commerce on or about August 23, 1941, by the Chandu Coffee Co., from Brooklyn, N. Y.; and charging that it was misbranded. The cans of oil were labeled in part: (Main panels) "One Gallon Net Fine Edible Oil P. Enrico Brand."

The article was alleged to be misbranded (1) in that it was an imitation of another food, olive oil, 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; (2) in that it was in package form and failed to bear a label

containing the name and place of business of the manufacturer, packer, or distributor; (3) in that its label failed to bear the common or usual name of the food; and (4) in that it contained artificial flavoring and artificial coloring and did not bear labeling stating that fact.

On November 19, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution.

**2782. Misbranding of oil. U. S. v. 67 Cans, 30 Cans, and 48 Cans of Oil. Default decrees of condemnation. Product ordered delivered to charitable organizations.** (F. D. C. Nos. 5200, 6199. Sample Nos. 46970-E, 46971-E, 69646-E.)

Analysis showed that one shipment of this product consisted essentially of an artificially colored mixture of cottonseed oil and an oil similar to corn oil, containing little, if any, olive oil; one shipment consisted of artificially flavored and artificially colored corn oil; and the third shipment consisted of an artificially flavored and artificially colored mixture of corn oil and olive oil.

On July 24 and November 12, 1941, the United States attorney for the District of New Jersey filed libels against 145 1-gallon cans of oil at Newark, N. J., alleging that the article had been shipped on or about May 24 and October 25, 1941, by Joseph Colletti from Brooklyn, N. Y.; and charging that it was misbranded. Portions of the article were labeled in part: "Contents: Corn Oil Color Added," or "Contents: Corn Oil and 25% Olive Oil Color Added." A portion was unlabeled except for the statement "1 Gallon."

The portion of the product shipped on May 24 was alleged to be misbranded (1) in that it was in package form and did not bear a label containing the name and place of business of the manufacturer, packer, or distributor; (2) in that its label failed to bear the common or usual name of the food; (3) in that it was fabricated from two or more ingredients and its label failed to bear the common or usual name of each ingredient; and (4) in that it contained artificial coloring and did not bear labeling stating that fact.

The remainder was alleged to be misbranded (1) in that it was an imitation of another food, namely, olive oil, 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 (2) in that it contained artificial flavoring and did not bear labeling stating that fact.

On October 22, 1941, and January 8, 1942, no claimant having appeared, judgments of condemnation were entered and the product was ordered delivered to local charitable organizations.

**2783. Adulteration and misbranding of olive oil. U. S. v. 18 Cans, 5 Cans, and 1 Can of Olive Oil. Default decree of condemnation and destruction.** (F. D. C. No. 5361. Sample Nos. 51258-E to 51260-E, incl.)

Examination of this product showed that it consisted essentially of cottonseed oil, containing little or no olive oil. Furthermore, a number of the cans failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor.

On August 14, 1941, the United States attorney for the District of Massachusetts filed a libel against 24 gallon cans of olive oil at Springfield, Mass., alleging that the article had been shipped in interstate commerce on or about July 16, 1941, by Donald Dearo and Joseph J. Teti from the State of New York; and charging that it was adulterated and misbranded.

The article was alleged to be adulterated (1) in that a substance, 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; (2) in that inferiority had been concealed by the addition of artificial color; and (3) in that 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: (1) In that the following statements and designs were false and misleading as applied to artificially colored cottonseed oil containing little or no olive oil: (18 cans, main panels) "Italia \* \* \* Supreme Olive Oil Imported Lucca Italia \* \* \* Italia \* \* \* Olio d'Oliva Supremo Importato Lucca-Italia [designs]," (side panels) "The purity of this olive oil is guaranteed under chemical analysis and we recommend it for table and medicinal uses \* \* \* [similar statements in Italian]," and (top) "Imported Pure Olive Oil"; (5 cans, main panels) "Superior Olive Oil Diamante Italian Olive Oil Co. [similar statements in Italian]," (side panels) "This olive oil is guaranteed to be absolutely pure. Recommended for cooking,