

tion was entered and the product was ordered distributed to local charitable agencies.

2787. Adulteration and misbranding of oil. U. S. v. 62 Cases of Oil. Consent decree of condemnation. Product ordered released under bond for soap grease. (F. D. C. No. 3993. Sample No. 56031-E.)

This product was an imitation olive oil consisting essentially of artificially flavored and artificially colored cottonseed oil with a small amount of peanut oil and containing little if any olive oil and its label failed to state that it was an imitation olive oil and failed to bear a plain and conspicuous declaration of the presence of artificial flavor and color. It contained an uncertified coal-tar color.

On March 17, 1941, the United States attorney for the District of Connecticut filed a libel against 62 cases of oil at New Haven, Conn., alleging that the article had been shipped in interstate commerce on or about February 13, 1941, by the Spagna Olive Oil Co. from Boston, Mass.; and charging that it was adulterated and misbranded. The article was labeled in part: (Cans) "One Gallon Buono Brand Fine Oil Packed by The California Olive Oil Company Boston, Mass. This can contains 85% Peanut and Cottonseed Oil, Flavored with 15% Imported Olive Oil. Flavor and Color Added."

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 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. It was alleged to be misbranded further in that the declaration of artificial flavoring and coloring, required by the act to appear on the label, was not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or devices in the labeling) as to render it likely to be read by the ordinary individual under customary conditions of purchase and use.

On November 4, 1941, the claimant having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be sold to a soap plant to be manufactured into soap under the supervision of the Food and Drug Administration.

2788. Misbranding of salad oil. U. S. v. 62 Cartons of Salad Oil. Consent decree of condemnation. Product ordered released under bond for repackaging and relabeling. (F. D. C. No. 4933. Sample No. 56279-E.)

On June 17, 1941, the United States attorney for the District of New Jersey filed a libel against 62 cartons of salad oil at Newark, N. J., alleging that the article had been shipped in interstate commerce on or about September 13, 1940, by J. Ossola Co., Inc., from New York, N. Y.; and charging it was misbranded. It was labeled in part: "Columbus Brand 80% Vegetable Oil 20% Pure Olive Oil Extra Quality Net Contents 1 Gallon."

The article was alleged to be misbranded in that the name and place of business of the manufacturer, packer, or distributor, required by law to appear on the label, were not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or devices in the labeling) as to render it likely to be read by the ordinary individual under customary conditions of purchase and use, since it was stamped in small type at the bottom of the side panels; in that the label contained certain representations in a foreign language (Italian) but failed to contain in such language all the words, statements, and information required by law to appear on the label; and in that it was fabricated from two or more ingredients and its label failed to bear the common or usual name of each ingredient, since the term "Vegetable Oil" is ambiguous.

On August 15, 1941, Columbus Provision Co., Inc., Newark, N. J., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be repackaged and relabeled in compliance with the law.

2789. Adulteration of oleomargarine. U. S. v. 29 Cases of Oleomargarine. Product adjudged adulterated and ordered delivered to charitable institutions. (F. D. C. No. 3062. Sample No. 16164-E.)

This product was deficient in fat and contained excessive moisture.

On September 20, 1940, the United States attorney for the Western District of Missouri filed a libel against 29 cases of oleomargarine at Kansas City, Mo., alleging that the article had been shipped in interstate commerce on or about July 12 and 15, 1940, by Durkee Famous Foods from Chicago, Ill.; and charging

that it was adulterated. It was labeled in part: "One Pound Net Spreddit Vegetable Oleomargarine."

The article was alleged to be adulterated in that a substance deficient in fat and containing excessive moisture had been substituted wholly or in part for oleomargarine, a product which should contain not less than 80 percent of fat when manufactured under good commercial practice.

On December 2, 1940, no claimant having appeared, judgment was entered finding the product adulterated as alleged but ordering that it be delivered to charitable institutions since it was not unfit for human consumption.

2790. Adulteration of oleomargarine. U. S. v. 74 Cases, 52 Cases, 97 Cases, and 32 Cases of Oleomargarine. Product adjudged adulterated and ordered delivered to local charitable institutions. (F. D. C. Nos. 3061, 3079. Sample Nos. 16159-E to 16161-E, incl., 16165-E.)

This product contained less fat and more moisture than oleomargarine should contain.

On or about September 21 and 25, 1940, the United States attorney for the Western District of Missouri filed libels against 255 cases, each containing 30 1-pound cartons, of oleomargarine at Kansas City, Mo., alleging that the article had been shipped in interstate commerce on or about August 21, 1940, by Standard Margarine Co., Inc., from Indianapolis, Ind.; and charging that it was adulterated in that a substance deficient in fat and containing excessive moisture had been substituted wholly or in part therefor. The article was labeled in part: "Brednut * * * Oleomargarine," "Gold Dot Margarine," "Peerless Brand Oleomargarine," or "O'Margie Margarine."

No claimant appeared in either action. On November 5, 1940, 32 cases were adjudged adulterated as alleged in the libel and ordered delivered to a local charitable institution since the product was fit for human consumption. On December 10, 1940 (amended May 28, 1941), judgment of condemnation was entered with respect to the remainder of the product and it was also delivered to a charitable institution.

SACCHARINE PRODUCTS

CANDY

2791. Action to enjoin and restrain distribution of adulterated candy. U. S. v. Charles O. McAfee and Joe B. Hill (McAfee Candy Co. and Liberty Candy Co.). Consent decree perpetually enjoining and restraining defendants from introducing or delivering for introduction into interstate commerce adulterated candy or other food products. (Inj. No. 10.)

On March 26, 1941, the United States attorney for the Middle District of Georgia filed a bill of complaint against Charles O. McAfee and Joe B. Hill, trading as the McAfee Candy Co. and Liberty Candy Co., at Macon, Ga., alleging that the defendants, from on or about August 29, 1940, to the date of the filing of the complaint, had been manufacturing, packing, and shipping candy under insanitary conditions whereby it might have become contaminated with filth, and that said food, so prepared and packed by the defendants, was adulterated in that it consisted wholly or in part of a filthy substance. The complaint alleged further that the defendants were continuously manufacturing and packing adulterated candy and were shipping such candy at various intervals in interstate commerce; that they would continue to ship such adulterated candy unless enjoined from doing so; that various shipments made by the defendants had been sampled and seized, and were found to contain filth; that it would be impossible to sample, analyze, and seize all interstate shipments made by defendants; that the violations were of a continuous and recurring character, and prayed that a preliminary injunction issue and that, after due proceeding, the preliminary injunction be made permanent. On March 26, 1941, the court entered an order that the defendants appear on April 14, 1941, and show cause why preliminary injunction should not be issued as prayed.

On April 15, 1941, the defendants having appeared in person and by counsel and having consented to the entry of decree, judgment was entered perpetually enjoining and restraining the defendants or anyone acting upon their behalf from introducing and delivering for introduction into interstate commerce in violation of the law any adulterated candy or other food product which they had manufactured or would manufacture in the future.