

It was alleged to be misbranded (1) in that the following statements and designs were false and misleading, (main panels) "Italian Product * * * Pure Olive Oil Imported * * * Prodotto Italiano * * * Puro Olio d'Oliva Importato [design of olive branches and gold medals]," and (side panels) "This olive oil is guaranteed to be absolutely pure under any chemical analysis—Excellent for table use for cooking and medicinal purposes * * * Quest' Olio d'Oliva e garantito assolutamente puro sotto qualsiasi analisi chimica—Eccellente per tavola per cucina e per uso medicinale"; and (2) in that it was offered for sale under the name of another food.

On December 19, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

2960. Adulteration and misbranding of olive oil. U. S. v. 36 Cans, 144 Cans, 45 Cans, and 9 Cans of Olive Oil. Consent decree of condemnation. Product ordered released under bond to be relabeled. (F. D. C. No. 6071. Sample Nos. 66304-E to 66307-E, incl.)

This product consisted essentially of cottonseed oil or peanut oil, containing little or no olive oil.

On October 25, 1941, the United States attorney for the Northern District of Illinois filed a libel against 234 gallon cans of olive oil at Chicago, Ill., alleging that the article had been shipped on or about September 7, 8, and 24, 1941, by Gary Supply Co. from Gary, Ind.; and charging that it was adulterated and misbranded. The article was labeled in part: "Seville Brand Selected Olive Oil," or "Lucca Brand Pure Olive Oil."

The article was alleged to be adulterated: (Seville brand and 45 cans of Lucca brand) in that a substance, cottonseed oil containing little or no olive oil, had been substituted in whole or in part for olive oil, which it purported to be; and (Lucca brand, 9 cans) in that a substance, peanut oil containing little or no olive oil, had been substituted in whole or in part for olive oil, which it purported to be.

It was alleged to be misbranded (1) in that the following statements appearing in the labeling were false and misleading: (Seville brand, main panels) "Selected Olive Oil Pure Spanish Olive Oil Imported From Spain," (side panels) "This olive oil is highly recommended for medicinal and all table uses Esta aceite de oliva esta recomendado para uso medicinal lo mesmo que para el uso de la mesa y la cocina," and (top) "Seville Olive Oil Co. Seville, Spain"; and (Lucca brand, main panels) "Lucca * * * Pure Olive Oil Lucca Olive Oil Co. Lucca Italy," (side panels) "Quest' Olio d'Oliva lo Garantisco per L'Assoluta Purita Sotto Analisi Chimica e per la Piu Squisita Qualita," and (top) "Italy"; and (2) in that it was offered for sale under the name of another food.

On December 9, 1941, Charles Gump, trading as the Gary Supply Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.

2961. Adulteration and misbranding of olive oil. U. S. v. 9 Cases and 16 Cases of Olive Oil. Default decree of condemnation and destruction. (F. D. C. No. 6197. Sample Nos. 84018-E, 84019-E.)

Analysis indicated that this product consisted essentially of artificially flavored and artificially colored corn oil with a small amount of cottonseed oil and little, if any, olive oil. The cans failed to bear the name of the manufacturer, packer, or distributor.

On November 10, 1941, the United States attorney for the District of Maryland filed a libel against a total of 25 cases of olive oil at Baltimore, Md., alleging that the article had been shipped in interstate commerce on or about October 30, 1941, by Frank Roma from New York, N. Y.; and charging that it was adulterated and misbranded. It was labeled in part: (Cans) "Olio di Oliva Vergine Lucca Brand Prodotto Italiano"; or "Olio d' Oliva Sopraffino A. Sasso Brand."

The article was alleged to be adulterated (1) in that artificially flavored and artificially colored corn oil with a small amount of cottonseed oil and 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 flavor and artificial color; and (3) in that artificial flavor and artificial color had been added thereto or mixed or packed therewith so as to make it appear better and of greater value than it was.

It was alleged to be misbranded (1) in that the following statements and designs were false and misleading: (9 Cases) "Olio di Oliva Vergine Lucca

* * * Prodotto Italiano Olio d'Oliva [design of an olive branch] * * * This olive oil is guaranteed pure olio d'Oliva. Questo Olio e garantito di puro Oliva Olio d'Oliva. Imported Pure Olive Oil"; (16 cases) "Superfine Olive Oil * * * Imported Product. Olio d'Oliva Sopraffino * * * Prodotto Importato [design of an olive branch] Pure Olive Oil Imported. Olio Puro d'Oliva Raccomandato per uso medicinale. Puro Olio di Oliva"; (2) in that it was offered for sale under the name of another food; (3) in that it was an imitation of another food and its labeling failed to bear in type of uniform size and prominence the word "imitation" and immediately thereafter the name of the food imitated; (4) 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; (5) 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 (6) in that it contained artificial flavoring and artificial coloring and did not bear labeling stating that fact.

On December 15, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

2962. Adulteration and misbranding of oil. U. S. v. 17 Cans of Corn and Olive Oil and 8 Cartons of Peanut Oil. Default decrees of condemnation. Product ordered delivered to charitable institutions. (F. D. C. Nos. 4911, 6059. Sample Nos. 56669-E, 74069-E.)

Examination showed that the portion of this product labeled "Corn Oil and Imported Olive Oil" consisted essentially of peanut oil with some olive oil and cottonseed oil, containing little if any corn oil; and that labeled "Peanut Oil" was peanut oil artificially flavored and colored to simulate olive oil.

On or about June 20, and on September 22, 1941, the United States attorney for the District of Connecticut filed libels against 17 gallon cans of oil at New Haven, and 8 cartons each containing 1 5-gallon can of oil at East Haven, Conn., alleging that the article had been shipped in interstate commerce on or about May 8 and September 22, 1941, by Best Packing Co., Inc., from New York, N. Y.; and charging that it was misbranded and that a portion was also adulterated.

The oil at New Haven was alleged to be adulterated in that an article consisting essentially of peanut oil with some olive oil and cottonseed oil, containing little if any corn oil, had been substituted wholly or in part for "Corn Oil and Imported Olive Oil," which it purported to be.

It was alleged to be misbranded (1) in that the statement "Corn Oil and Imported Olive Oil" was false and misleading as applied to an article consisting essentially of peanut oil with some olive oil and cottonseed oil, containing little if any corn oil; and (2) 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 the law to appear on the label.

The oil at East Haven 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; and (2) in that it contained artificial flavoring and artificial coloring and did not bear labeling stating that fact.

On December 20, 1941, and May 27, 1942, no claimant having appeared, judgments of condemnation were entered and the product was ordered delivered to charitable institutions.

2963. Misbranding of oil. U. S. v. 48 Cases and 42 Cases of Oil. Consent decree of condemnation. Product ordered released under bond to be re-labeled. (F. D. C. No. 5337. Sample Nos. 51625-E, 51626-E.)

Examination of this product showed that it consisted essentially of cottonseed oil artificially colored and flavored to simulate olive oil. Stickers pasted near the bottom of most of the cans bore in very small type the statements, (Pulcella brand) "Corn Oil With Color and Flavor Added," and (Gioiosa brand) "Cottonseed Oil With Color and Flavor Added." Similar stickers had apparently been removed from the other cans.

On August 11, 1941, the United States attorney for the District of Rhode Island filed a libel against 90 cases, each containing 6 gallon cans, of oil at Providence, R. I., alleging that the article had been shipped on or about July 17, 1941, by Domestic Oil Co. from New York, N. Y.; and charging that it was misbranded. The article was labeled in part: "Pulcella Brand Extra Fine Oil," or "Extra Fine Oil Gioiosa Brand Pure Oil F. Massimino."