

having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Food and Drug Administration. On January 12, 1942, an amended decree was entered ordering that the product be dumped into a vat for mixing, that artificial flavoring be added, the mixed product repackaged and relabeled as imitation olive oil.

3398. Adulteration and misbranding of olive oil. U. S. v. 149 Cans and 9 Cans of Olive Oil. Consent decree of condemnation. Product released for relabeling upon deposit of collateral. (F. D. C. No. 5113. Sample Nos. 51245-E, 51246-E.)

On July 9, 1941, the United States attorney for the District of Massachusetts filed a libel against 158 gallon cans of olive oil at Holyoke, Mass., alleging that the article had been shipped in interstate commerce on or about February 13 and March 27, 1941, by G. Puglia & Co. from New York, N. Y.; and charging that it was adulterated and misbranded. It was labeled in part: "Puglia Brand Superfine Pure Olive Oil."

The article was alleged to be adulterated (1) in that artificially flavored and colored cottonseed 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 or of greater value than it was.

It was alleged to be misbranded in that the following statements and designs were false and misleading as applied to artificially flavored and colored cottonseed oil: (1) "Superfine Pure Olive Oil Imported from Lucca-Italy [and the design of olive branches and olives].

* * * This olive oil is guaranteed to be absolutely pure under any chemical analysis. Recommended for table use and medicinal purposes [similar statements in Italian.] Imported Pure Olive Oil Imported from Italy." (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 label 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 contained artificial flavoring and artificial coloring and failed to bear labeling stating that fact.

On January 26, 1942, Fred Moroni Co., Holyoke, Mass., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released upon deposit of cash collateral in lieu of bond, conditioned that it be relabeled in compliance with the law.

3399. Adulteration and misbranding of olive oil. U. S. v. 149 Cases of Olive Oil (and 2 additional seizures against olive oil). Decrees of condemnation. Portion of product ordered destroyed; remainder ordered released under bond for relabeling and reconditioning. (F. D. C. Nos. 4484, 4640, 4698 to 4706, incl. Sample Nos. 40588-E to 40591-E, incl., 40593-E to 40597-E, incl., 50304-E, 50829-E.)

In addition to being falsely labeled as olive oil, this product was deceptively packaged in irregular-shaped bottles of thick glass. Portions also were short weight.

Within the period from April 25 to May 8, 1941, the United States attorneys for the District of Maryland and the Eastern District of Pennsylvania filed libels against 168 cases of olive oil at Baltimore, Md., 306 cases of olive oil at Philadelphia, Pa., and 90 cases at Chester, Pa., alleging that the article had been shipped in interstate commerce within the period from on or about October 25, 1940, to on or about April 10, 1941, by the Sage Chemical Co. from Brooklyn, N. Y.; and charging that it was adulterated and misbranded. The article was labeled in part: (Bottles) "Golden Clover Pure Imported Olive Oil"; or "York Star Brand Pure Imported Olive Oil."

It was alleged to be adulterated in that a product consisting essentially of cottonseed oil had been substituted wholly or in part for olive oil, which it purported to be.

It was alleged to be misbranded (1) in that the statements "Pure Imported Olive Oil for Table and Medicinal Use," and "U. S. P. European Olive Oils Co." were false and misleading; (2) in that it was offered for sale under the name of another food; and (3) in that its container was so made, formed,