

3802. Adulteration and misbranding of olive oil. U. S. v. 11 Cans, 3 Cans, and 58 Cans of Olive Oil. Product ordered released under bond to be relabeled. (F. D. C. Nos. 6115, 6116. Sample Nos. 87204-E, 87205-E.)

Analysis showed that this product consisted essentially of cottonseed oil and contained little or no olive oil.

On November 1 and 13, 1941, the United States attorney for the Southern District of West Virginia filed libels against 72 gallon cans of olive oil at Charleston, W. Va., alleging that the article had been shipped in interstate commerce on or about April 30 and August 2, 1941, by Enrico Fiorelli & Co. from Canton, Ohio; and charging that it was adulterated and misbranded. It was labeled in part: "Italian Product Conte Savoia Pure Olive Oil."

The article was alleged to be adulterated in that a substance, cottonseed oil containing little or no olive oil, had been substituted in whole or in part for olive oil.

It was alleged to be misbranded: (1) In that the following statements were false and misleading, (main panels) "Italian Product * * * Pure Olive Oil Imported By * * * [similar statements in Italian]," 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 * * * [similar statements in Italian]." (2) In that it was offered for sale under the name of another food.

On April 15, 1942, General Sales Co., Charleston, W. Va., claimant having admitted the allegations of the libels, judgments were entered ordering the product released under bond to be relabeled under the supervision of the Food and Drug Administration.

3803. Misbranding of vegetable oil. U. S. v. 21 Cases of Oil. Consent decree of condemnation. Product ordered released under bond for relabeling. (F. D. C. No. 7459. Sample Nos. 86645-E, 86685-E.)

This product was not labeled to show the common or usual name of the ingredients; the name and address of the packer were inconspicuously placed on the label; it was short of the declared volume and undue prominence was given in the labeling to the statement "Italian Olive Oil."

On May 5, 1942, the United States attorney for the Eastern District of Wisconsin filed a libel against 21 cases of vegetable oil at Milwaukee, Wis., alleging that the article had been shipped in interstate commerce on or about January 26, 1942, by the V. Formusa Co. from Chicago, Ill.; and charging that it was misbranded. It was labeled in part: "Contents One Gallon Marconi Brand Superb Oil Contains 20% Italian Olive Oil and 80% Vegetable and Peanut Oils."

It was alleged to be misbranded (1) in that the design of medals, the undue prominence of the statement "Italian Olive Oil" and the statement "Marconi Oil 100%" were false and misleading since they created the impression that it was a foreign product; (2) in that the statement on the label, "Inspection Guaranteed," was misleading since it implied that the article had been inspected by an agency of the Government, which was not the case; (3) in that the statement "Contents One Gallon" was false and misleading as applied to an article that was short of the declared volume; (4) in that it was in package form and its label failed to bear an accurate statement of the quantity of the contents; (5) in that the name and place of business of the packer, required by law 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; and (6) in that it was fabricated from two or more ingredients and its label failed to bear the common or usual name of each ingredient.

On May 25, 1942, Vincent Formusa and Peter Formusa, trading as the V. Formusa Co., claimants, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be relabeled under the supervision of the Food and Drug Administration.

3804. Adulteration and misbranding of olive oil. U. S. v. 18 Cans of Olive Oil. Default decree of condemnation and destruction. (F. D. C. No. 6922. Sample No. 64681-E.)

Examination showed that this product consisted essentially of artificially flavored and colored cottonseed oil. It contained a coal-tar dye not certified for food use.

On February 24, 1942, the United States attorney for the Western District of Pennsylvania filed a libel against 18 gallon cans of olive oil at Kent, Pa., alleging that the article had been shipped in interstate commerce on or about January 15, 1942, by Alberto Maltese from Brooklyn, N. Y.; and charging that it was adulterated and misbranded. It was labeled in part: "Roberta Brand Pure Olive Oil Imported From Lucca Toscana Italy."

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; (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; and (4) 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 the following statements, (main panels) "Pure Olive Oil Imported From Lucca Toscana Italy * * * [similar statements in Italian and designs of gold medals, olive branches, and olives]," (side panels) "This Olive Oil is guaranteed to be absolutely pure under chemical analysis. * * * [similar statements in Italian, German, French and Spanish]," and (top) "Imported Pure Olive Oil," were false and misleading as applied to an article consisting essentially of artificially flavored and colored cottonseed oil. (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 March 24, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to charitable institutions. On March 27, 1942, the decree was amended to provide for destruction of the product.

3805. Misbranding of olive oil. U. S. v. 18 Cases of Olive Oil. Product ordered released under bond for relabeling. (F. D. C. No. 7104. Sample No. 85139-E, 85289-E.)

This product was short of the declared weight.

On March 27, 1942, the United States attorney for the Eastern District of Washington filed a libel against 18 cases, each containing 24 bottles, of olive oil at Yakima, Wash., alleging that the article had been shipped in interstate commerce on or about October 19, 1939, by the E. & J. Co. from Portland, Oreg.; and charging that it was misbranded. The article was labeled in part: "E & J Brand net wt. 4 ozs. Pure Virgin Olive Oil."

The article was alleged to be misbranded in that the statement "net wt. 4 ozs." was false and misleading, as applied to an article that was short weight; 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 July 8, 1942, Coffin Bros., Inc., Yakima, Wash., claimant, having admitted the allegations of the libel and having consented to the entry of a decree of condemnation, judgment was entered ordering that the product be released under bond for relabeling under the supervision of the Food and Drug Administration.

3806. Misbranding of oil. U. S. v. 22 Cartons of Oil. Default decree of condemnation and destruction. (F. D. C. No. 6887. Sample No. 85595-E.)

This product consisted essentially of corn oil with a sufficient infusion of olives to simulate the odor and taste of olive oil. It was short of the declared volume.

On February 27, 1942, the United States attorney for the Western District of Washington filed a libel against 22 cartons, each containing 6 cans, of oil at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about September 23, 1941, by Thos. Pipitone from New York, N. Y.; and charging that it was misbranded. It was labeled in part: (Main panels) "One Gallon Net Olio Superiore Bertola Brand Olive Infused Corn Oil Cured with Finest Olives."

The article was alleged to be misbranded (1) in that the statement "Olio Superiore" was false and misleading as applied to an imitation olive oil; (2) in that the statement "One Gallon Net" was false and misleading since the product was short volume; (3) in that it was an imitation of another food, olive oil, and