

8280. Adulteration and misbranding of oil. U. S. v. 22 Cans of Oil (and 3 other seizure actions against oil). Consent decree of condemnation. Product ordered released under bond. (F. D. C. Nos. 14023, 14026, 14028, 14037. Sample Nos. 82289-F, 82291-F to 82293-F, incl., 82295-F, 82296-F, 82298-F, 82299-F.)

LIBELS FILED: October 11 and 13, 1944, Eastern District of New York.

ALLEGED SHIPMENT: Between the approximate dates of June 7 and August 10, 1944, by the Lucatelli Packing Co. and the New Jersey Importing Co., from West New York, N. J.

PRODUCT: 27 cases and 24 cases, each containing 6 cans, of oil, and 22 cans and 15 cans of oil at Brooklyn, N. Y. These products differed from their declared composition and were also short-volume. A portion contained undeclared artificial color.

LABEL, IN PART: (Cans) "One Gallon Net" Superfine Product Cimarosa Brand 100% Pure Fine Cottonseed, Peanut, Corn, and Extra Virgin Olive Oil," or "One Gallon Net Lucatelli Brand Choice Peanut Oil Blended with Olive Oil."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (2), Cimarosa brand, a mixture of cottonseed oil and an oil similar to soybean oil, containing little, if any, peanut, corn, or olive oil and in part artificially colored, had been substituted in whole or in part for "100% Pure Fine Cottonseed, Peanut, Corn, and Extra Virgin Olive Oil." Further adulteration of portions, Section 402 (b) (4), artificial color had been added to the article and mixed or packed with it so as to make it appear better and of greater value than it was; and, Section 402 (c), it contained a coal-tar color that had not been listed as harmless and suitable for use in foods in accordance with regulations and was other than one from a batch that had been certified. Misbranding, Section 403 (a), the statement, "100% Pure Fine Cottonseed, Peanut, Corn, and Extra Virgin Olive Oil," was false and misleading; Section 403 (e) (2), the article failed to bear a label containing an accurate statement of the quantity of the contents; and, Section 403 (k), a portion contained artificial coloring, and its label failed to state that fact.

Adulteration, Section 402 (b) (2), Lucatelli brand, a substance consisting essentially of peanut oil and cottonseed oil, containing little or no olive oil, had been substituted in whole or in part for "Choice Peanut Oil Blended with Olive Oil." Misbranding, Section 403 (a), the following and similar label statements in a foreign language were false and misleading: "Choice Peanut Oil Blended with Olive Oil," and "However, in order to further improve our product, we have added a generous portion of one hundred per cent pure virgin Olive Oil, the result being a superior blended oil of extra fine quality and delicate flavor, guaranteed to satisfy the taste of the most discriminating consumers"; and, Section 403 (e) (2), the article failed to bear a label containing an accurate statement of the quantity of the contents.

DISPOSITION: September 4, 1945. The cases having been consolidated and the Lucatelli Packing Co., claimant, having admitted the allegations of the libels, judgment of condemnation was entered and the product was ordered released under bond for relabeling and refilling under the supervision of the Federal Security Agency.

8281. Misbranding of olive oil. U. S. v. 531 Cases of Olive Oil. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 16345. Sample Nos. 29486-H, 29487-H.)

LIBEL FILED: June 7, 1945, District of Massachusetts.

ALLEGED SHIPMENT: On or about May 24, 1945, by the Coronet Olive Oil Co., from Oroville, Calif.

PRODUCT: 531 cases, each containing 12 bottles, of olive oil at Boston, Mass. Examination showed that the article was short-volume.

LABEL, IN PART: "Coronet 100% Pure California Olive Oil * * * Contents One Quart."

VIOLATION CHARGED: Misbranding, Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents.

DISPOSITION: July 7, 1945. The Catania Importing Co., Inc., Boston, Mass., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law by filling the bottles to the declared volume, under the supervision of the Federal Security Agency.