

**9158. Misbranding of edible oils. U. S. v. 54 Cans of Corn Oil and Olive Oil and 29 Cans of Sunflower, Peanut, Corn, and Olive Oils. Default decree of condemnation. Products ordered delivered to a charitable institution. (F. D. C. No. 16292. Sample Nos. 6987-H, 6988-H.)**

**LABEL FILED:** May 23, 1945, District of New Jersey.

**ALLEGED SHIPMENT:** On or about April 23, 1945, by the Venice Importing Co., from Brooklyn, N. Y.

**PRODUCT:** 83 1-gallon cans of edible oils at Newark, N. J.

**LABEL, IN PART:** "Astro d' Oro Brand Corn Oil and Olive Oil," or "Romanelle Brand A Choice Blend of Sunflower, Peanut, Corn and Pure Olive Oils."

**NATURE OF CHARGE:** Misbranding, Section 403 (a), the label statement, "Corn Oil and Olive Oil," was misleading since it failed to reveal the material fact that the article contained but a minute quantity, if any, of olive oil; and, Section 403 (f), the label contained representations in a foreign language (Italian) and the common or usual name of each ingredient, required by Section 403 (i) to appear on the label, did not appear thereon in the foreign language.

Further misbranding, Section 403 (a), (Romanelle Brand) the label statements, "A Choice Blend of Sunflower, Peanut, Corn and Pure Olive Oils" and "Scelta Miscela d'olii di girasole arachide, gran turco ed olio d'oliva puro," were misleading since they failed to reveal the material fact that the article contained only minute quantities of peanut and olive oils, if any.

**DISPOSITION:** November 19, 1945. No claimant having appeared, judgment of condemnation was entered and the products were ordered delivered to a charitable institution after destruction of the labels.

**9159. Adulteration and misbranding of olive oil. U. S. v. 68 Cans of Olive Oil. Default decree of condemnation. Product ordered delivered to a soap factory. (F. D. C. No. 7531. Sample Nos. 84385-E to 84389-E, incl.)**

**LABEL FILED:** May 20, 1942, District of New Jersey.

**ALLEGED SHIPMENT:** On or about September or October 1941, by the Naples Oil Co., from Brooklyn, N. Y.

**PRODUCT:** 68 cans of olive oil at Hillside, N. J.

**LABEL, IN PART:** "Superfine Olive Oil A. Sasso Brand," "Cirillo Brand Pure Italian Olive Oil," "Lucca Brand Olio di Oliva-Vergine," "Puglia Brand \* \* \* Olive Oil," or "Torino Brand 100% Pure Olive Oil \* \* \* Packed by J. Ossola Co. New York-Pittsburgh."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (2), an artificially flavored and artificially colored mixture of cottonseed oil and peanut oil, containing little or no olive oil, had been substituted in whole or in part for olive oil, which the product purported to be; Section 402 (b) (3), inferiority had been concealed by the addition of artificial flavoring and artificial coloring; Section 402 (b) (4), artificial flavoring and artificial coloring had been added to the article or packed with it so as to make it appear to be better or of greater value than it was; and (Cirillo, Lucca, and Puglia brands), Section 402 (c), it contained a coal-tar color other than one from a batch that had been certified in accordance with the regulations.

Misbranding, Section 403 (a), the following statements and similar statements in Italian, together with various designs of olive branches, an olive tree, and a woman gathering olives, were false and misleading: (A. Sasso brand) "Superfine Olive Oil \* \* \* Imported Product," and "Pure Olive Oil Imported"; (Cirillo brand) "Pure Italian Olive Oil Imported \* \* \* The oil contained in this tin is guaranteed of pure olive under any chemical analysis. Recommended for medicinal and table use," and "Pure Imported Olive Oil"; (Lucca brand) "Olio di Oliva-Vergine," "This Olive Oil is guaranteed pure" and "Imported Product"; (Puglia brand) "Finest Quality Olive Oil Imported From Lucca-Italy," "Contents guaranteed strictly pure olive oil excellent for table and medicinal use," and "Imported Product"; (Torino brand) "Finest Sublime \* \* \* 100% Pure Olive Oil Imported Product," and "Guaranteed to be absolutely pure olive oil unexcelled and recommended for medicinal and table use." Further misbranding, Section 403 (b), the product was offered for sale under the name of another food; Section 403 (c), 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 there-

after, the name of the food imitated; Section 403 (k), it contained artificial flavoring and artificial coloring and it failed to bear labeling stating that fact; and (A. Sasso, Cirillo, Lucca and Puglia brands), Section 403 (e) (1), the product failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor.

**DISPOSITION:** January 28, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a soap factory, to be mixed with other fats intended for industrial purposes.

**9160. Misbranding of olive oil. U. S. v. 15 Cans of Olive Oil. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 15795. Sample No. 5960-H.)**

**LIBEL FILED:** April 5, 1945, District of New Jersey.

**ALLEGED SHIPMENT:** On or about January 19, 1945, by the Scarlata Olive Oil Co., from Manteca, Calif.

**PRODUCT:** 15 1-gallon cans of olive oil at Clifton, N. J. Examination showed that the product was short of the declared volume.

**LABEL, IN PART:** "Scarlata Brand Pure California Olive Oil Net Contents One Gallon."

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

**DISPOSITION:** July 9, 1945. A. Farrinella and Co., Clifton, 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 each can be refilled to contain a full gallon, under the supervision of the Food and Drug Administration.

### SPICES, FLAVORS, AND SEASONING MATERIALS

**9161. Adulteration and misbranding of cinnamon, white pepper, paprika, and nutmeg. U. S. v. William G. Dean, alias John C. Rivers, (Sure-Rise Baking Powder Co.). Plea of guilty. Sentence, 30 days in jail. (F. D. C. No. 9671. Sample Nos. 17789-F, 17790-F, 19192-F, 44802-F to 44807-F, incl. 44812-F.)**

**INFORMATION FILED:** May 3, 1945, Southern District of New York, against William G. Dean, alias John C. Rivers, trading as the Sure-Rise Baking Powder Co., New York, N. Y.

**ALLEGED SHIPMENT:** Between the approximate dates of April 28, 1942, and February 2, 1943, from the State of New York into the State of New Jersey.

**PRODUCT:** Examination disclosed that each of the products consisted in part of a foreign starch; that the paprika also contained artificial color; and that the cinnamon, nutmeg, and one of the five shipments of pepper were short-weight.

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (2), mixtures containing foreign starch had been substituted in whole or in part for cinnamon, white pepper, paprika, and nutmeg; and, Section 402 (b) (4), a foreign starch had been added to the products or mixed or packed with them so as to reduce their quality and strength. Further adulteration, Section 402 (b) (3), the article labeled "Paprika" was inferior to paprika and had been artificially colored in a manner whereby such inferiority was concealed.

Misbranding, Section 403 (a), the label statements, "Cinnamon," "White Pepper," "Pure White Pepper," "Pure Ground White Pepper," "Fancy Paprika," and "Nutmeg," were false and misleading; and the statement "1 Lb. Net," appearing on the can labels of the cinnamon, nutmeg, and one of the shipments of white pepper, was false and misleading since the cans contained less than 1 pound. Further misbranding. Section 403 (b), the articles were offered for sale under the names of other foods; Section 403 (c), the article labeled "Paprika" was an imitation, 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; Section 403 (e) (1), the cinnamon, paprika, nutmeg, and two of the shipments of the white pepper failed to bear labels containing the name and place of business of the manufacturer, packer, or distributor; Section 403 (e) (2), the cinnamon, nutmeg, and one of the shipments of white pepper failed to bear labels containing an accurate statement of the quantity of the contents; Section 403 (i) (2), the labels of the articles failed to bear the common