

24259. Misbranding of salad oil. U. S. v. 151 Cans of Salad Oil. Default decree of condemnation and destruction. (F. & D. no. 34185. Sample nos. 17074-B, 17076-B.)

This case involved a product consisting of domestic cottonseed oil which was labeled to convey the impression that it was imported olive oil.

On October 25, 1934, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 151 cans of salad oil at Newark, N. J., alleging that the article had been shipped in interstate commerce on or about April 16, 1934, by the Cosmopolitan Oil Products Corp., from Brooklyn, N. Y., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "La Cara Brand A Pure Vegetable Salad Oil * * * Packed by Cosmopolitan Oil Products Corp. Bush Terminal Brooklyn, N. Y."

The article was alleged to be misbranded in that the statements, "La Cara Brand Olio Vegetable Puro * * * La Cara Olio Puro * * * E' Prodotto Dalla Migliore Qualita' D'Olio Vegetale", "La Cara Brand A Pure Vegetable Salad Oil * * * La Cara Salad Oil A Highly Refined Vegetable Oil", and the design of a woman in Italian peasant garb in Italian surroundings, appearing on the label, were misleading and tended to deceive and mislead the purchaser, since they created the impression that the product was imported olive oil; whereas it consisted of domestic cottonseed oil and this impression was not corrected by the statements on the label, "Salad Oil" and "Vegetable Oil", since either of these terms may include olive oil. Misbranding was alleged for the further reason that the article purported to be a foreign product when not so.

On January 30, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, Acting Secretary of Agriculture.

24260. Misbranding of salad oil. U. S. v. Nine 1-Gallon Cans, et al., of Salad Oil. Default decrees of condemnation and destruction. (F. & D. nos. 34187, 34223. Sample nos. 17079-B, 17080-B, 17611-B.)

These cases involved a product consisting essentially, if not entirely, of cottonseed oil artificially colored and flavored to simulate the color and flavor of olive oil, and which was labeled to convey the impression that it was olive oil.

On October 25 and October 31, 1934, the United States attorney for the District of New Jersey, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 157 gallon cans and 8 half-gallon cans of salad oil at Newark, N. J., alleging that the article had been shipped in interstate commerce in part on or about July 31, 1934, and in part on or about August 31, 1934, by the Hoffman Oil Co., from Brooklyn, N. Y., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Mano Bianca Brand * * * Packed By Hoffman Oil Co. Brooklyn, N. Y."

The article was alleged to be misbranded in that the name, "Olio Mano Bianca", and the statement, "This Oil Is Specially Prepared For The Italian Trade", appearing on the label, were misleading and tended to deceive and mislead the purchaser, since they created the impression that the article was olive oil. Misbranding was alleged for the further reason that the article was an imitation of another article, namely, olive oil, and was not plainly labeled as an imitation. Misbranding was alleged with respect to a portion of the article for the further reason that the statement on the label, "Vegetable Oil", was misleading and tended to deceive and mislead the purchaser, since the term "vegetable oil" includes olive oil.

On January 28, 1935, no claimant having appeared, judgments of condemnation were entered and it was ordered that the product be destroyed.

M. L. WILSON, Acting Secretary of Agriculture.

24261. Misbranding of salad oil. U. S. v. 16 and 6 Cans of Salad Oil. Default decree of condemnation and destruction. (F. & D. no. 34188. Sample nos. 17077-B, 17078-B.)

This case involved a product consisting essentially of domestic cottonseed oil containing little or no olive oil, which was labeled to create the impression that it was imported olive oil.

On October 25, 1934, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 22 cans of salad oil at Newark, N. J., alleging that the article had been shipped in interstate commerce on or