

B. Stewart from Stockton, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Olympic Olives Alexander B. Stewart Exeter, California."

The article was alleged to be adulterated in that it consisted wholly or in part of a decomposed vegetable substance.

On February 19, 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.*

24407. Misbranding of salad oil. U. S. v. 10 Gallon Cans, et al., of Salad Oil. Default decrees of condemnation. Product delivered to charitable institutions. (F. & D. nos. 34446, 34447, 34448, 34449, 34472. Sample nos. 21216-B to 21223-B incl.)

These cases involved interstate shipments of a product labeled to convey the impression that it was imported Italian olive oil. Examination showed that the product in most lots was essentially cottonseed oil; that one lot consisted of a mixture of cottonseed oil and another oil, probably corn oil, with little or no olive oil present; and that the remaining lot consisted of a mixture of cottonseed oil and another oil similar to sunflower oil.

On or about December 1 and December 6, 1934, the United States attorney for the District of Connecticut, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 161 cans of salad oil at Hartford, Conn., alleging that the article had been shipped in interstate commerce by the Moosalina Products Corporation, from Brooklyn, N. Y., in various shipments on or about May 21, September 15, and October 15, 1934, and charging misbranding in violation of the Food and Drugs Act.

The article was alleged to be misbranded in that the following statements and designs borne on the labels were false and misleading and tended to deceive and mislead the purchaser since they created the impression that the article was Italian olive oil, whereas it was not; ("B" brand, statements on the label) "Olio Finissimo" and "Olio vegetale di primissima specialty indicato per salse frittura insalata e qualsiasi uso da tavola e cucina [the design of a foreign scene, and the dark green color of the main panels of the can suggestive of olives]"; (Mariannina brand, the statements) "Mariannina * * * Olio Per Insalata Qualita' extrafina di olio vegetale per insalata e uso di cucina [and the design of a foreign scene with a woman in foreign costume in the foreground]"; (Palma brand, the statements on the label) "Olio Marca Palma", "E" composto dell' ottantacinque per cento, d'olio vegetale extrafino, quindici per cento, della migliore qualita' d'olio d'oliva importato, coll' aggiunta di colore innocuo", "The contents of olive oil in this can is imported from Italy", "L'olio d'oliva contenuto in questa latta e' importato dall' Italia [and the impression created by said statements was not corrected by the subsidiary statement on the label "Is composed of eighty-five per cent of the finest vegetable oil, fifteen per cent of the best imported olive oil" in view of the prominence given the terms "oil" and "olio"]"; (Tuscaniny brand, the statements on the label) "Oil Tuscaniny Brand", "Marca Tuscaniny", "Moosalina", "E" composto dell' ottantacinque per cento, d'olio domestico vegetale extra fino, quindici per cento, della migliore qualita' d'olio d'oliva importato"; (Cobo brand, the statements) "Oil Superfine", "Olio Sopraffino per insalata", "Qualita' extrafina di olio vegetale per frittura e cucinare", "Marca Cobo Specially indicato per salse, frittura, insalata e qualsiasi uso da tavola e cucina [and design of olive branches]". Misbranding of the Tuscaniny brand was alleged for the further reason that the statement, "Is composed of eighty five per cent of the finest domestic vegetable oil", appearing on the label, was misleading and tended to deceive and mislead the purchaser since the words "domestic vegetable oil" is a term which would be applicable to California olive oil. Misbranding of the Cobo brand was alleged for the further reason that the statement on the label, "Extra Fine Vegetable Oil", was misleading and tended to mislead the purchaser, since the term may be applied to olive oil. Misbranding was alleged with respect to all lots for the further reason that the article purported to be a foreign product when not so.

On March 25, 1935, no claimant having appeared, judgments of condemnation were entered and it was ordered that the product be delivered to charitable institutions.

M. L. WILSON, *Acting Secretary of Agriculture.*