

juice, and since it was short weight. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article. Misbranding was alleged for the further reason that the article was food in package form and the quantity of its contents was not plainly and conspicuously marked on the outside of the package, since the statement was incorrect.

On May 16, 1935, Grapesugar, Ltd., having appeared as claimant but subsequently having withdrawn its appearance and claim, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24707. Misbranding of salad oil. U. S. v. 59 Cans, et al., of Salad Oil. Default decrees of condemnation. Portion of product distributed to charitable institution. Remainder destroyed.** (F. & D. nos. 32575, 32576, 32577, 33615, 34205, 34206, 34207, 35239. Sample nos. 69716-A, 69717-A, 69718-A, 6762-B, 17085-B to 17088-B incl., 21611-B.)

Oil consisting of cottonseed oil or sunflower oil with a small amount of olive oil present in certain lots was labeled to convey the impression that it was olive oil; portions also were short volume.

On April 23, October 4, and October 30, 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 libels praying seizure and condemnation of 264 cans of salad oil at Newark, N. J., and 220 cans of salad oil at Plainfield, N. J. On March 8, 1935, a libel was filed in the District of Connecticut against 17 cartons of salad oil at New Haven, Conn. The libels charged that the article had been shipped in interstate commerce between the dates of March 8, 1934, and February 18, 1935, by the Moosalina Products Corporation (certain shipment made in the name of the H. & W. Food Products Corporation), and that it was misbranded in violation of the Food and Drugs Act as amended.

The article was alleged to be misbranded in that certain statements and designs in the labeling, namely, "Oil Tuscaniny Brand", "Moosalina", "Is composed of Eighty Five Per Cent Of The Finest Domestic Vegetable Oil", with respect to a portion; the statements "Olio Sopraffino", "Oil Superfine", and design of olive branches with respect to a portion; the statement "Oil Marca Lucca Toscana", "Oil Lucca Toscana Brand", the statement in English and Italian "The Contents of Olive Oil in this Can Is Imported From Italy", and the design of olive branches and leaves, with respect to a portion; the statement "Olio Finissimo" with respect to a portion; the statement "Olio Sopraffino", and the design of olive branches and leaves, with respect to a portion; and the statements "Olio Sopraffino per insalata", "Qualita' Extrafina di olio vegetale per frittura e cucinare", "Marca Cobo Specialmente indicato per salse, frittura, insalata e qualsiasi uso da tavola e cucina", "Extra Fine Vegetable Oil", and the design of olive branches, with respect to a portion, were misleading and tended to deceive and mislead the purchaser, since they created the impression that the article was olive oil, whereas it was not.

A portion of the article was alleged to be further misbranded in that the statement "High Grade Vegetable Oil" on the label was misleading and tended to deceive and mislead the purchaser, since the term includes olive oil; whereas the product was domestic cottonseed oil. Misbranding of the Toscana brand was alleged for the further reason that it was an imitation of another article, olive oil.

Misbranding was alleged with respect to portions of the article for the further reason that it purported to be a foreign product when not so. Misbranding of the lot that was short volume was alleged for the further reason that the statement "One Gallon Net" was false and misleading, and deceived and misled the purchaser, and for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement was incorrect.

The Moosalina Products Corporation appeared as claimant for the lots libeled at Newark, N. J., but subsequently withdrew its claims. No claimant appeared for the remaining lots. On April 9, 1935, judgments of condemnation were entered in the cases instituted in the District of New Jersey and the court ordered the product destroyed. On April 10, 1935, judgment of condemnation was entered in the case instituted in the District of Connecticut and the court ordered the product delivered to a charitable institution.

W. R. GREGG, *Acting Secretary of Agriculture.*