

## OLIVE OIL

**680. Misbranding of olive oil. U. S. v. Deligiannis Bros., Inc. Plea of nolo contendere. Fine, \$75. (F. D. C. No. 931. Sample Nos. 57580-D, 57595-D, 63712-D.)**

This product was short of the declared volume.

On March 1, 1940, the United States attorney for the Northern District of Illinois filed an information against Deligiannis Bros., Inc., Chicago, Ill., alleging shipment in interstate commerce on or about June 29, July 6, and August 18, 1939, from Chicago, Ill., into the States of Oregon, Missouri, and Minnesota of quantities of olive oil that was misbranded. The article in the three shipments was labeled in part: "Imported Pure Olive Oil Kardannilis Brand"; or "Imported Virgin Olive Oil Universal Brand."

The article was alleged to be misbranded in that the statements, "One Gallon," "Half Gallon," "One Pint," "One-Half Pint," and "Contents 4 Oz.," borne on the respective cans and bottles, were false and misleading, since the said cans and bottles contained less than 1 gallon, one-half gallon, 1 pint, one-half pint, and 4 ounces, respectively. The article was alleged to be misbranded further in that the labels failed to bear accurate statements of the quantity of contents.

On May 20, 1940, a plea of nolo contendere was entered on behalf of the defendant, and a fine of \$75 was imposed.

**681. Misbranding of olive oil. U. S. v. 44 Cases of Olive Oil. Default decree of condemnation, forfeiture, and destruction. (F. D. C. No. 1575. Sample No. 75047-D.)**

The containers of this product were found to be short of the declared volume.

On March 4, 1940, the United States attorney for the Eastern District of Wisconsin filed a libel against 44 cases, each containing 24 bottles, of olive oil at Green Bay, Wis., alleging that the article had been shipped in interstate commerce on or about September 15 and November 6, 1939, by R. Gerber & Co. from Chicago, Ill.; and charging that it was misbranded. The product was labeled in part: "Joannes Quality Imported Pure Olive Oil \* \* \* Distributors Joannes Bros. Co., Green Bay, Wisconsin."

The article was alleged to be misbranded in that the statement "4 fluid ozs.," borne on the label, was false and misleading since it was incorrect. It was alleged to be misbranded further in that it was in package form and did not bear an accurate statement of the quantity of contents.

On April 24, 1940, no claimant having appeared, a decree of condemnation and forfeiture was entered and the product was ordered destroyed.

**682. Adulteration and misbranding of olive oil. U. S. v. 2 Cans and 5 Cans of Olive Oil. Default decrees of condemnation and forfeiture. Portion ordered destroyed; remaining portion ordered delivered to a penal institution. (F. D. C. Nos. 1423, 1424. Sample Nos. 64224-D, 83397-D.)**

Analysis showed that this product consisted essentially of cottonseed oil.

On or about February 2 and 3, 1940, the United States attorney for the Western District of Washington filed libels against two 5-gallon cans of olive oil at Seattle, Wash., and five 5-gallon cans of olive oil at Tacoma, Wash., alleging that the article had been shipped in interstate commerce on or about December 2 and 16, 1939, respectively, by Joe Grillo from San Pedro, Calif.; and charging that it was adulterated and misbranded. It was labeled in part: "Olive Oil. Los Angeles Importing Co., Distributors, Los Angeles, California."

The article in each case was alleged to be adulterated in that a substance consisting essentially of cottonseed oil had been substituted wholly or in part for olive oil; and had been mixed or packed with said product so as to reduce its quality or strength. The article in each case was alleged to be misbranded in that the statement "Olive Oil," borne on the label, was false and misleading when applied to an article that consisted essentially of cottonseed oil; and in that the said article was offered for sale under the name of another food.

On March 25 and April 4, 1940, respectively, no claimant having appeared, decrees of condemnation and forfeiture were entered, and the product at Seattle, Wash., was ordered destroyed and that at Tacoma, Wash., was ordered delivered to a penal institution for its own use.