

thereafter, the name of the food imitated; (3) in that the label contained representations in a foreign language (Italian) and the information required by the act to appear on the label did not appear thereon in the foreign language; and (4) in that it contained artificial flavoring and did not bear labeling stating that fact.

On April 7, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered distributed to charitable institutions.

2513. Adulteration and misbranding of vegetable oil. U. S. v. 48 Cans of Table Oil. Default decree of condemnation and destruction. (F. D. C. No. 3944. Sample Nos. 46301-E, 46302-E, 46305-E, 46308-E, 46309-E.)

This product was an artificially flavored and artificially colored cottonseed oil simulating olive oil in appearance and flavor and containing a coal-tar dye not certified for food use. The mandatory labeling required by the law was inconspicuous and, in some instances, illegible.

On March 11, 1941, the United States attorney for the District of New Jersey filed a libel against 48 cans of vegetable oil at Newark, N. J., alleging that the article had been shipped in interstate commerce on or about November 8, 1940, by Naples Oil Packing Co. from Brooklyn, N. Y.; and charging that it was adulterated and misbranded. It was labeled variously in part: "Superfine Brand," "Royal Brand," "Roberta Brand," "Gioiosa Brand," or "Lucci Brand." All the cans bore a stamped statement reading "Corn Oil Color and Flavor Added" that was inconspicuous and, in some instances, illegible.

The article was alleged to be adulterated in that cottonseed oil, artificially flavored and colored, in imitation of olive oil, had been substituted wholly or in part for corn oil, which it purported to be; and in that it contained a coal-tar color other than one from a batch that had been certified in accordance with regulations as provided by law.

It was alleged to be misbranded (1) in that the statement "Corn Oil Color and Flavor Added" was false and misleading as applied to artificially flavored and colored cottonseed oil; (2) in that it was an imitation of another food, olive oil, and its labels failed to bear in type of uniform size and prominence the word "imitation" and, immediately thereafter, the name of the food imitated; (3) in that the name and place of business of the packer, the common or usual name of the food, and the declaration of artificial flavoring and coloring, required by the act to appear on the label, were not prominently placed thereon with such conspicuousness as to render them likely to be read by the ordinary individual under customary conditions of purchase and use; (4) in that the labels contained representations in a foreign language (Italian) and the information required by the act did not appear on the label in the foreign language; and (5) in that the article labeled "Lucci Brand" was in package form and did not bear a label containing an accurate statement of the quantity of the contents.

On July 18, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

2514. Adulteration and misbranding of olive oil. U. S. v. 32 Cans, 4 Cans, 37 Cans, 147 Cans, and 12 Cans of Olive Oil. Default decree of condemnation. Portion of product ordered delivered to charitable institution; remainder ordered destroyed. (F. D. C. No. 3633. Sample Nos. 46166-E to 46170-E, incl.)

This product was found to consist essentially of artificially colored and (excepting one lot) artificially flavored cottonseed oil containing little or no olive oil.

On January 8, 1941, the United States attorney for the District of New Jersey filed a libel against 232 gallon cans of olive oil at East Orange, N. J., alleging that the article had been shipped in interstate commerce on or about October 14 and November 11, 1940, by V. Ritacco from Brooklyn, N. Y.; and charging that it was adulterated and misbranded. It was labeled in part variously: "Rodolfo Brand Olive Oil," "Superfine Olive Oil A. Sasso Brand," "Nerone Brand Olive Oil," "Olio Di Olive-Vergine," and "Olive Oil Superfine Brand."

The article was alleged to be adulterated (1) in that artificially colored and (with the exception of 147 cans) artificially flavored cottonseed oil containing little or no olive oil had been substituted wholly or in part for olive oil, which it purported to be; (2) in that inferiority had been concealed by the addition of artificial color and with the exception of 147 cans artificial flavor; and (3) in that artificial color and (with the exception previously noted) artificial flavor had been added thereto or mixed or packed therewith so as to make it appear better or of greater value than it was.