

On or about September 20, 1941, the United States attorney for the District of New Jersey filed a libel against 34 labeled cans and 9 unlabeled cans of oil at Newark, N. J., alleging that the article had been shipped in interstate commerce on or about August 23, 1941, by Marino Edible Oil, Inc., from Brooklyn, N. Y.; and charging that it was misbranded. The 34 cans were labeled in part: "Contents One Gallon Zingarella Brand Oil of Delicious Flavor Peanut and Olive Oil."

The article was alleged to be misbranded (1) in that it was an imitation of another food and its label failed to bear, in type of uniform size and prominence, the word "imitation" and, immediately thereafter, the name of the food imitated; (2) in that it was fabricated from two or more ingredients and its label failed to bear the common or usual name of each ingredient; and (3) in that it contained artificial flavoring and artificial coloring and failed to bear labeling stating that fact.

The 34 labeled cans were alleged to be misbranded further (1) in that the statement "Peanut and Olive Oil" was false and misleading as applied to artificially flavored and colored peanut and cottonseed oil, containing little or no olive oil; and (2) in that the label contained certain representations in a foreign language (Italian) but failed to contain in such language all the words, statements, and information required by or under said law to appear on the label.

On November 19, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution.

2786. Adulteration and misbranding of olive oil. U. S. v. 4 Cases and 11 Cans of Olive Oil. Default decree of condemnation. Product ordered distributed to local charitable agencies. (F. D. C. No. 4916. Sample Nos. 56682-E, 56683-E.)

This case involved two lots of a product that was labeled to represent that it was pure olive oil; whereas one lot consisted of a mixture of cottonseed and olive oils, and the other consisted of cottonseed oil with little or no olive oil.

On or about June 16, 1941, the United States attorney for the District of Connecticut filed a libel against 11 cans, and 4 cases each containing 12 cans, of olive oil at Stamford, Conn., alleging that the article had been shipped by Sabaudia Importing Co. from New York, N. Y., on or about April 30, 1941; and charging that it was adulterated and misbranded. It was labeled in part: (Cases) "Extra Sublime Olive Oil"; and (11 cans) "Eletta Brand Pure Imported Olive Oil."

The "Extra Sublime" olive oil was alleged to be adulterated (1) in that artificially colored cottonseed oil containing some 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 (3) in that artificial color had been added thereto or mixed or packed therewith so as to make it appear better or of greater value than it was. The Eletta brand was alleged to be adulterated (1) in that artificially colored and artificially flavored cottonseed oil containing little, if any, olive oil had been substituted wholly or in part for olive oil; (2) in that inferiority had been concealed by the addition of artificial flavor and color; and (3) in that artificial flavor and color had been added thereto or mixed or packed therewith so as to make it appear better or of greater value than it was.

The article was alleged to be misbranded in that the following statements and designs were false and misleading: ("Extra Sublime" oil, main panels of cans) "Lucca Italy * * * Packed in Italy * * * Olive Oil * * * [design of an olive branch and olives] Olio Sopraffino puro d'oliva Garantito sotto qualunque Analisi Chimica * * * We guarantee this olive oil to be absolutely pure under chemical analysis and oil finest quality," and (top of can) "Packed in Italy"; and (Eletta brand, main panels of can) "Pure Imported Olive Oil * * * [similar statement in Italian and design of an olive branch and olives]," (side panels) "Guaranteed absolutely pure olive oil for table and medicinal purposes [similar statement in Italian and design of a crown, shield, and olive branch]," and (top) "Imported Olive Oil." It was alleged to be misbranded further in that it contained artificial flavoring (and one lot also contained artificial coloring) but failed to bear labeling stating these facts. Both portions of the article were alleged to be misbranded further (1) in that it was offered for sale under the name of another food; and (2) in that it was an imitation of another food and its label failed to bear in type of uniform size and prominence the word "imitation" and, immediately thereafter, the name of the food imitated.

On September 23, 1941, no claimant having appeared, judgment of condemna-

tion was entered and the product was ordered distributed to local charitable agencies.

2787. Adulteration and misbranding of oil. U. S. v. 62 Cases of Oil. Consent decree of condemnation. Product ordered released under bond for soap grease. (F. D. C. No. 3993. Sample No. 56031-E.)

This product was an imitation olive oil consisting essentially of artificially flavored and artificially colored cottonseed oil with a small amount of peanut oil and containing little if any olive oil and its label failed to state that it was an imitation olive oil and failed to bear a plain and conspicuous declaration of the presence of artificial flavor and color. It contained an uncertified coal-tar color.

On March 17, 1941, the United States attorney for the District of Connecticut filed a libel against 62 cases of oil at New Haven, Conn., alleging that the article had been shipped in interstate commerce on or about February 13, 1941, by the Spagna Olive Oil Co. from Boston, Mass.; and charging that it was adulterated and misbranded. The article was labeled in part: (Cans) "One Gallon Buono Brand Fine Oil Packed by The California Olive Oil Company Boston, Mass. This can contains 85% Peanut and Cottonseed Oil, Flavored with 15% Imported Olive Oil. Flavor and Color Added."

The article was alleged to be adulterated 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 in that it was an imitation of another food, olive oil, and its label failed to bear, in type of uniform size and prominence, the word "imitation" and, immediately thereafter, the name of the food imitated. It was alleged to be misbranded further in that the declaration of artificial flavoring and coloring, required by the act to appear on the label, was not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or devices in the labeling) as to render it likely to be read by the ordinary individual under customary conditions of purchase and use.

On November 4, 1941, the claimant having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be sold to a soap plant to be manufactured into soap under the supervision of the Food and Drug Administration.

2788. Misbranding of salad oil. U. S. v. 62 Cartons of Salad Oil. Consent decree of condemnation. Product ordered released under bond for repackaging and relabeling. (F. D. C. No. 4933. Sample No. 56279-E.)

On June 17, 1941, the United States attorney for the District of New Jersey filed a libel against 62 cartons of salad oil at Newark, N. J., alleging that the article had been shipped in interstate commerce on or about September 13, 1940, by J. Ossola Co., Inc., from New York, N. Y.; and charging it was misbranded. It was labeled in part: "Columbus Brand 80% Vegetable Oil 20% Pure Olive Oil Extra Quality Net Contents 1 Gallon."

The article was alleged to be misbranded in that the name and place of business of the manufacturer, packer, or distributor, required by law to appear on the label, were not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or devices in the labeling) as to render it likely to be read by the ordinary individual under customary conditions of purchase and use, since it was stamped in small type at the bottom of the side panels; in that the label contained certain representations in a foreign language (Italian) but failed to contain in such language all the words, statements, and information required by law to appear on the label; and in that it was fabricated from two or more ingredients and its label failed to bear the common or usual name of each ingredient, since the term "Vegetable Oil" is ambiguous.

On August 15, 1941, Columbus Provision Co., Inc., Newark, N. J., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be repackaged and relabeled in compliance with the law.

2789. Adulteration of oleomargarine. U. S. v. 29 Cases of Oleomargarine. Product adjudged adulterated and ordered delivered to charitable institutions. (F. D. C. No. 3062. Sample No. 16164-E.)

This product was deficient in fat and contained excessive moisture.

On September 20, 1940, the United States attorney for the Western District of Missouri filed a libel against 29 cases of oleomargarine at Kansas City, Mo., alleging that the article had been shipped in interstate commerce on or about July 12 and 15, 1940, by Durkee Famous Foods from Chicago, Ill.; and charging