

20542. Adulteration and misbranding of olive oil. U. S. v. 11 Cases * * *.
(F. D. C. No. 31210. Sample No. 23962-L.)

LABEL FILED: June 21, 1951, District of New Jersey.

ALLEGED SHIPMENT: On or about January 18, 1951, by Mamma Mia Importing Co., Inc., from Brooklyn, N. Y.

PRODUCT: 11 cases, each containing 6 1-gallon cans, of olive oil at Newark, N. J. Analysis showed that the product was a mixture of olive oil and peanut oil.

LABEL, IN PART: (Can) "Mamma Mia Brand 100% Pure Olive Oil."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, olive oil, had been in part omitted from the article; and, Section 402 (b) (2), a mixture of peanut oil and olive oil had been substituted for pure olive oil.

Misbranding, Section 403 (a), the label statement "100% Pure Olive Oil" was false and misleading.

DISPOSITION: Mamma Mia Importing Co., Inc., claimant, filed an answer on July 27, 1951, denying that the product was adulterated or misbranded. On March 20, 1953, written interrogatories were served upon the claimant by the Government but were not answered or objected to within the period prescribed. The Government thereupon filed a motion for an order striking the claimant's pleadings and for a default decree of condemnation. On October 13, 1953, the court granted the motion and entered a decree of condemnation. The court ordered that the product be delivered to charitable institutions for their use but not for sale.

OLEOMARGARINE

20543. Adulteration and misbranding and the sale and offering for sale of colored oleomargarine. U. S. v. Morris Abramson (Murray Abramson and George Murray). Plea of guilty. Fine, \$500. Sentence of 1 year in jail suspended and defendant placed on probation for 1 year. (F. D. C. No. 33772. Sample Nos. 24221-L, 36848-L, 37279-L.)

INDICTMENT RETURNED: March 24, 1953, District of New Jersey, against Morris Abramson, also known as Murray Abramson and George Murray, Newark, N. J.

ALLEGED VIOLATION: On or about May 1, 1952, the defendant received in interstate commerce, at Secaucus, N. J., a number of cartons of colored oleomargarine, or colored margarine, which was represented to be butter and which was adulterated; and on or about May 1, 1952, the defendant did, with intent to defraud and mislead, deliver for pay a number of such cartons containing the adulterated colored oleomargarine, or colored margarine, to a purchaser in Jersey City, N. J.

On or about April 3, 1952, the defendant did, within the State of New Jersey, with intent to defraud and mislead, sell and offer for sale, a number of cartons of colored oleomargarine, or colored margarine, which was in violation of the law, as indicated below.

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), colored oleomargarine, or colored margarine, had been substituted for butter in the case of the article involved in the May 1 transaction.

The colored oleomargarine, or colored margarine, involved in the sale of April 3 was in violation of Section 407 (b) (3) (A), in that the word "oleomargarine" or "margarine" did not appear on the labels of the cartons con-