

Conn., alleging that the article had been shipped in interstate commerce on or about January 21, 1941, by the Import Oil Co. from New York, N. Y.; and charging that it was adulterated and misbranded. The article was labeled in part: (Main panel) "Talia Brand Olio," (small sticker on one main-panel) "Cottonseed Oil Color and Flavor Added."

The article was alleged to be adulterated (1) in that inferiority had been concealed by the addition of artificial flavor and artificial color; (2) and in that artificial flavor and 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; and (3) 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 statements on the can label "Talia * * * Olio di qualita Suprema * * * La purezza di quest olio e garentita e noilo raccomandiamo per uso tavola e culinare," and the designs of medals, a shield, and olive branches, were false and misleading since they conveyed the impression that the article was of foreign origin; (2) 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; and (3) in that the information required by law to appear on the label or labeling 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, since the sticker label was inconspicuous and could be easily removed.

On October 27, 1942, affidavits having been filed by the Assistant United States attorney and an inspector of the Food and Drug Administration, from which it appeared that a part of the oil had been sold or otherwise disposed of in violation of the attachment, an order was filed that Cimino Brothers, New Haven, Conn., the firm in possession of the goods, show cause why they should not be held guilty of contempt of court. The order to show cause was returnable on November 16, on which date the court found Cimino Brothers guilty of contempt of court by reason of the sale of part of the oil after attachment and imposed a fine of \$200.

On March 5, 1943, no claimant having appeared for the remainder of the product, judgment of condemnation was entered and it was ordered sold for use in the manufacture of soap.

4240. Adulteration and misbranding of oil. U. S. v. 142 Cartons of Oil. Consent decree of condemnation. Product ordered released under bond for relabeling. (F. D. C. No. 4931. Sample No. 56675-E.)

On June 16, 1941, the United States attorney for the District of Connecticut filed a libel against 142 cartons, each containing 1 can, of oil at East Haven, Conn., alleging that the article had been shipped in interstate commerce within the period from on or about January 7 to on or about May 8, 1941, by the Best Packing Co., Inc., from New York, N. Y.; and charging that it was adulterated and misbranded.

The article was alleged to be adulterated in that peanut oil artificially flavored and colored had been substituted wholly or in part for "Corn Oil Color & Flavor Added," which the article purported to be.

It was alleged to be misbranded (1) in that the statement on the cartons, "Corn Oil," was false and misleading as applied to peanut oil; (2) in that it was offered for sale under the name of another food, i. e., corn oil; (3) in that it was an imitation of 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; (4) in that it was in package form and (a) its immediate container (can) failed to bear the name and place of business of the manufacturer, packer, or distributor, and (b) the outside container (carton enclosing each can) failed to bear an accurate statement of the quantity of the contents; (5) in that its immediate container (can) failed to bear the common or usual name of the food; (6) and in that it contained artificial flavoring and artificial coloring and the immediate container did not bear labeling stating that fact.

On January 25, 1943, the Best Packing Co., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Food and Drug Administration.