

**21399. Adulteration and misbranding of salad oil. U. S. v. Korbros Oil Corporation. Plea of guilty. Fine of \$100 imposed on first count. Sentence suspended on remaining counts. (F. & D. no. 30149. Sample nos. 10245-A, 10301-A. I.S. nos. 38659 to 38661, incl.)**

This case was based on several shipments of salad oil labeled to convey the impression that it was olive oil of foreign origin, and which was found to consist essentially of cottonseed oil containing, in certain of the brands, a small quantity of olive oil. Examination further disclosed shortages in volume in all lots but one. The case also covered a shipment of short volume vegetable oil.

On June 22, 1933, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Korbros Oil Corporation, Brooklyn, N.Y., alleging shipment by said company, in violation of the Food and Drugs Act as amended, in part on or about February 1, 1932, and in part on or about February 26, 1932, from the State of New York into the State of New Jersey, of quantities of salad oil which was misbranded, and portions of which also were adulterated. The article was labeled in part, variously: "La Bella Di Sorrento Brand Vegetable Oil Flavored with Pure Olive Oil One Gallon Net [Design of olive branches and an Italian scene]"; "Olive Oil Distributed by I. Nuccio Orazi and Curiazi Olive Oil Co., Net Contents One Gallon Compound \* \* \* Orazi and Curiazi Brand A Compound Olive Oil Vegetable Oil (Olio d'Oliva E Olio Vegetale) [designs of olive trees and Italian scene]"; "Olio Marca Korbros Olio Vegetale \* \* \* Contents 1 U.S. Gallon."; "Contents One Gallon Olio Sicilia Brand"; "Lucca Brand Extra Fine Quality Salad Oil Net Contents 1 Gallon [design of olive branches and fruit]."

It was alleged in the information that the "La Bella Di Sorrento" and the "Orazi and Curiazi" brands of oil were adulterated in that a product composed in very large part of oil other than olive oil and which contained little, if any, olive oil, had been substituted for olive oil, or "Olio d'Oliva", which the article purported to be.

Misbranding of the said brands was alleged for the reason that the statements, "Olive Oil" together with the designs and devices of olive branches, an Italian lady, and Italian city, in the cases of the "La Bella Di Sorrento" brand, and the statements, "Olive Oil and Olio d'Oliva" together with devices of an Italian castle, olive trees, and the legendary wolf of Rome, in the case of the "Orazi and Curiazi" brand, were false and misleading, and for the further reason that the article was so labeled as to deceive and mislead the purchaser, since the said statements and designs represented that the article was olive oil, produced in Italy, whereas it was a domestic product composed in very large part of oil other than olive oil; for the further reason that the article purported to be a foreign product, when not so; and for the further reason that it was an imitation of, and was offered for sale and sold under the distinct name of another article, to wit, olive oil. Misbranding of the "Sicilia" and "Lucca" brands was alleged for the reason that the statements on the label, "Olio Sicilia", "Quest' Olio Garantito Ottimo Per Use Tavola E. Cucina", in the case of the "Sicilia" brand, and the statement "Lucca", together with the design and device of olive branches bearing fruit, in the case of the "Lucca" brand, were false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since they represented that the article was a foreign product, to wit, an olive oil produced in Sicily or Lucca, Italy, whereas it was a domestic product, to wit, an article other than olive oil produced in the United States; and for the further reason that the article purported to be a foreign product when not so. Misbranding was alleged with respect to the "La Bella Di Sorrento", the "Orazi and Curiazi", the "Sicilia", and the "Korbros Vegetable Oil" for the reason that the statements on the labels, "One Gallon Net", "Net Contents One Gallon", "Contents 1 U.S. Gallon", and "Contents One Gallon", borne on the labels, were false and misleading and deceived and misled the purchaser, since the cans contained less than 1 gallon; and for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On September 25, 1933, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100 on the first count of the information. Sentence was suspended on the remaining counts.

M. L. WILSON, *Acting Secretary of Agriculture.*