

On September 8, 1936, A. J. Capone Co., Inc., having appeared as claimant for the lots seized in Massachusetts and having admitted the allegations of the libels, judgment of condemnation was entered and it was ordered that the product covered by the said libels be released under bond conditioned that it be relabeled under the supervision of this Department. Between the dates of May 18, 1936, and August 13, 1936, no claim having been entered for the remaining lots, judgments of condemnation were entered. Most of the said lots were ordered destroyed and the remainder were ordered sold or delivered to charitable institutions.

W. R. GREGG, *Acting Secretary of Agriculture.*

25947. Adulteration and misbranding of olive oil. U. S. v. 187 Cans of Olive Oil. Default decree of condemnation. Product ordered delivered to local charitable institutions. (F. & D. no. 37338. Sample no. 62311-B.)

This case involved an interstate shipment of so-called olive oil that contained tea-seed oil and was in cans that were short in volume.

On or about March 12, 1936, the United States attorney for the Southern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 187 cans of so-called olive oil at Houston, Tex., alleging that the article had been shipped in interstate commerce on or about February 6, 1936, by A. J. Capone Co., Inc., from New York, N. Y., and that it was adulterated and misbranded in violation of the Food and Drugs Act. The article, contained in cans of various sizes, was labeled: (Main panels) "One Gallon [or "Half Gallon", "One Quart", "One Pint", or "One Half Pint"] Cora Brand None Better Pure Imported Olive Oil Marca Cora None Better Importato Puro Olio d'Oliva"; (side panels) "This Olive Oil is Guaranteed to be Absolutely Pure and Indisputably Better than that of any other origin both for its natural goodness and exceptional purity * * * Questo Olio e garantito di pura oliva. E indiscutibilmente superiore e quello di qualsiasi si altra origine sia per la sua naturale bonta che per la sua speciale raffinatezza * * * "; (top) "Imported Olive Oil."

The article, except the portion in the 1-quart cans, was alleged to be adulterated in that tea-seed oil had been mixed and packed with the article so as to reduce or lower its quality or strength, and in that tea-seed oil had been substituted in whole or in part for olive oil, which the article purported to be.

The article, except the portion in the 1-quart cans, was alleged to be misbranded in that the following statements and designs appearing on the labels were false and misleading and tended to deceive and mislead the purchaser when applied to a product containing tea-seed oil: "Pure Imported Olive Oil * * * Importato Puro Olio d'Oliva * * * This Olive Oil is guaranteed to be absolutely pure and indisputably better than that of any other origin, both for its natural goodness and exceptional purity * * * Questo olio e garantito di pura oliva. E indiscutibilmente superiore a quello di qualsiasi si altra origine sia per la sua naturale bonta che per la sua speciale raffinatezza. [Designs of olive branches]." The article, except the portion in the 1-quart cans, was alleged to be misbranded further in that it was offered for sale under the distinctive name of another article, namely, olive oil. The article in the cans of all sizes was alleged to be misbranded in that the statements, "One Gallon", "Half Gallon", "One Quart", and "One Pint", appearing on the labels of the cans of various sizes were false and misleading and tended to deceive and mislead the purchaser when applied to a product the cans of which were short in volume.

The article in the cans of all sizes was alleged to be misbranded further in that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the quantity stated was not correct.

On May 21, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product while subject to forfeiture, was suitable for human consumption and should be delivered to charitable institutions.

W. R. GREGG, *Acting Secretary of Agriculture.*

25948. Adulteration and misbranding of olive oil. U. S. v. 8 and 23 Cans of Alleged Olive Oil. Default decree of condemnation and destruction. (F. & D. nos. 37389, 37390. Sample nos. 43873-B, 43874-B, 43875-B.)

These cases involved two interstate shipments of so-called olive oil that contained tea-seed oil; the cans containing the oil in one shipment were short in volume.

On March 26, 1936, the United States attorney for the District of Maine, acting upon a report by the Secretary of Agriculture, filed in the district court two libels, one praying seizure and condemnation of 8 cans; and the other, 23 cans of so-called olive oil at Portland, Maine, alleging that the article had been shipped in interstate commerce on or about November 8, 1935, by the A. Accardi Co., from Boston, Mass., and that it was adulterated and misbranded in violation of the Food and Drugs Act. The article was described on the label as "Lola Brand Extra 1 Olio Puro d'Oliva Sublime."

The article in the lot of 8 cans and in the lot of 23 cans was alleged to be adulterated in that tea-seed oil had been mixed and packed with the article so as to reduce or lower its quality or strength, and in that tea-seed oil had been substituted in whole or in part for olive oil, which the product purported to be.

The article in the lot of 8 cans and in the lot of 23 cans was alleged to be misbranded in that the following statements and designs appearing on the cans were false and misleading and tended to deceive and mislead the purchaser, when applied to a product containing tea-seed oil: A map of Italy and designs of olive branches and gold medals, and the statements, "Puro Olio Vergine D'Oliva La Migliore * * * Extra 1 Lucca Italy Olio Puro d'Oliva Sublime", "The Olive Oil contained in this can is pressed from fresh picked high grown fruit, packed by the grower under the best sanitary condition, and guaranteed to be absolutely pure under any chemical analysis. The producer begs to recommend to the consumer to destroy this can as soon as empty in order to prevent unscrupulous dealers from refilling it with adulterated Oil or Oil of an inferior quality. The producer warns all such dealers that he will proceed against them to the full extent of the law. * * * L'Olio d'Oliva contenuto in questa latta e ottenuto dal miglior frutto appena colto confezionato dal produttore nelle migliori condizioni igieniche e garantito puro a qualsiasi analisi chimica. Il produttore raccomanda al consumatore di distruggere questa latta appena vuota affine di evitare che poco scrupolosi rivenditori la riempiano con oli adulterati con oli di qualita inferiore. Il produttore avverte tali rivenditori che procedera contro di loro a termini di legge", and "Imported from Italy." The article in the lot of 8 cans and in the lot of 23 cans was alleged to be misbranded further in that it was offered for sale under the distinctive name of another article, namely, olive oil. The article in the lot of 23 cans was alleged to be misbranded in that the statements appearing on the cans, "One Gallon" or "One Quart", as the case might be, were false and misleading and tended to deceive and mislead the purchaser when applied to a product which was short in volume; and in that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the quantity stated was not correct.

On April 7, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

25949. Adulteration and misbranding of olive oil. U. S. v. Five Cans of Alleged Olive Oil, and three other actions. Default decrees of condemnation and destruction. (F. & D. nos. 37439, 37440, 37441, 37442. Sample nos. 61232-B, 61235-B, 61236-B, 61237-B.)

These cases involved interstate shipments of so-called olive oil that contained tea-seed oil.

On March 27, 1936, the United States attorney for the District of New Jersey, acting upon reports by the Secretary of Agriculture, filed in the district court four libels, each praying seizure and condemnation of five 1-gallon cans of so-called olive oil at Jersey City, N. J., in two instances, and at Madison, N. J., in the other two instances, alleging that the article had been shipped in interstate commerce on or about October 12, 1935, and January 11 and February 8, 1936, by Cosimo Daniele, from New York, N. Y., and that it was adulterated and misbranded in violation of the Food and Drugs Act. The article was labeled: "Imported Product The best you can buy Lido Brand Superfine First Quality Extra Olive Oil Net Contents one Gallon C. Daniele New York, N. Y."

The article was alleged to be adulterated in that tea-seed oil had been mixed and packed with the article so as to reduce or lower its quality or strength, and in that tea-seed oil had been substituted in whole or in part for olive oil, which the article purported to be.

The article was alleged to be misbranded in that the following statements and designs appearing on the labels were false and misleading and tended