

Gioiosa * * * Olio D'Oliva Puro Garantito Sotto Qualsiasi Analisi Chimica. We Guarantee This Olive Oil To Be Absolutely Pure Under Chemical Analysis * * * Imported Pure Olive Oil"; (second lot) "Italian Product Virgin Olive Oil Superfine * * * Lucca-Italia [design of olive branches bearing olives] * * * Prodotto Italiano Vergine Olio D'Oliva Marca Sopraffino * * * The Purity of This Olive Oil Is Guaranteed Under Chemical Analysis. * * * La Purezza Di Quest' Olio E Garantita, All' Analisi Chimica * * * Imported From Italy"; (third lot) "Italian Product Imported Sublime Olive Oil Superfine * * * Lucca Italy [design of olive branches bearing olives] * * * Prodotto Italiano Olio D'Oliva Sublime Importato Sopraffino * * * Lucca Italia This Olive Oil Is Guaranteed To Be Absolutely Pure Under Any Chemical Analysis * * * Quest' Olio D'Oliva E Garantito Assolutamente Puro Sotto Qualsiasi Analisi Chimica * * * Imported From Italy." The article was alleged to be misbranded further in that it was an imitation of and was offered for sale under the distinctive name of another article, olive oil.

On May 6, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29086. Misbranding of olive oil. U. S. v. 83 Cans and 11 Cans of Alleged Olive Oil (and one similar seizure action). Default decrees entered. Product ordered delivered to charitable institutions. (F. & D. Nos. 41116, 41117. Sample Nos. 57522-C to 57525-C, incl.)

This product was labeled to represent that it was pure imported olive oil, whereas it was artificially colored and flavored cottonseed oil.

On December 16, 1937, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 104 cans of alleged olive oil at New Haven, Conn.; alleging that the article had been shipped in interstate commerce from Brooklyn, N. Y., in part on or about November 17, 1937, by "Dellino" and in part on or about November 22, 1937, by Anthony Dellino; and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part, variously: "Nettuno Brand," "Roberta Brand," "Pulcella Brand," and "Lucca Brand."

It was alleged to be misbranded in that the following statements and designs were false and misleading and tended to mislead and deceive the purchaser, since they represented that it was olive oil and was a foreign product; whereas it was not olive oil and was not a foreign product, but was domestic cottonseed oil: (First lot) "Nettuno * * * Olio Puro D'Oliva Finissimo Prodotto Garantito [design of olive branch bearing olives] * * * This olive oil is absolutely pure, * * * We guarantee its purity under chemical analysis. Quest' Olio Di Oliva E Assolutamente Puro E Insuperabile Per Uso Di Cucina E Medicinale. Nei Garantiamo La Sua Purezza Sotto Qualsiasi Analisi Chimica"; (second lot) "Pure Olive Oil Imported From Lucca Toscana Italy [design of olive branches bearing olives] * * * This Olive Oil is guaranteed to be absolutely pure under chemical analysis. [Design of Italian flag] Quest' olio d'oliva e garantito assolutamente puro sotto analisi chimica. [Design of German flag] Dieses Oliven Oel ist garantiert absolut rein unter chemischer analyse. [Design of French flag] Cette huile d'olives est garantie absolument pure sous analyse chimique. * * * Este Aceite do Olivo esta garantizado absolutamente puro bajo analisis quimica"; (third lot) "Pulcella * * * Guaranteed Pure Olive Oil Extra Fine Imported Lucca Italy [designs of olive branches bearing olives and of woman in native costume, presumably Italian] * * * Garantito Puro Olio D'Oliva Extra Fine Importato Lucca Italia * * * We guarantee our olive oil to be absolutely pure under any chemical analysis * * * Garantiamo Il Nostro Olio Estratto Da Olive Scette Assolutamente Puro Sotto Qualsiasi Analisi Chimica Insuperabile Come Olio Da Tavola Ed Eccellente Per Uso Medicinale * * * Prodotti Italiani"; (fourth lot) "Olio Di Oliva Vergine [design of olive branch bearing olives] Lucca * * * Prodotto Italiano * * * This Olive Oil Is Guaranteed Pure * * * Questo Olio E Garantito di Puro Oliva"; (all lots) "Imported from Italy."

The article was alleged to be misbranded further in that it was an imitation of and was offered for sale under the distinctive name of another article, namely, olive oil.

On May 9, 1938, no claimant having appeared, judgments were entered ordering that the product be delivered to charitable institutions and that the containers be destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*