

and Drugs Act. The article was labeled in part: "Angelina * * * Tomato Paste * * * Packed for * * * Francesco Cappellino & Sons, Rochester, N. Y."

It was alleged to be adulterated in that it consisted in whole or in part of a filthy vegetable substance.

On February 20, 1939, the Uddo Taormina Corporation having appeared as claimant and the cases having been consolidated, judgment of condemnation was entered, and the product was ordered delivered to the claimant under bond conditioned that those codes only which were found to be compliance with the law be released.

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

30374. Adulteration and misbranding of olive oil. U. S. v. 40 Cans, et al., of Olive Oil. Default decrees of condemnation. Product ordered delivered to charitable institutions. (F. & D. Nos. 44656, 44696. Sample Nos. 48901-D to 48905-D, inclusive.)

This product was represented to be imported olive oil of Italian origin; whereas it consisted principally of corn oil which was artificially flavored, and a part of which was artificially colored and contained little or no olive oil. It was also short of the declared volume.

On January 9 and 20, 1939, the United States attorney for the District of Rhode Island, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 157 cans of olive oil at Providence, R. I.; alleging that the article had been shipped in interstate commerce within the period from on or about November 15 to on or about December 16, 1938, by J. Valentino from New York, N. Y.; and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The article was variously labeled in part: "Riviera Brand"; "Lucca"; "Italia Brand"; "Olio di Oliva Vergine"; "A. Sasso Brand."

It was alleged to be adulterated in that corn oil, artificially flavored and a part of which was artificially colored, had been mixed and packed with it so as to reduce or lower its quality or strength, and had been substituted in whole or in part for the article. It was alleged to be adulterated further in that it had been mixed and colored in a manner whereby inferiority was concealed.

The article was alleged to be misbranded in that the following statements and designs borne on the labels were false and misleading and tended to deceive and mislead the purchaser when applied to an article containing little or no olive oil, which was not a foreign product, and which was short volume: (Riviera brand) Design of olive branches and olives and the statements, "Net Contents One Gallon * * * Pure Olive Oil Imported From Lucca Toscana Italy * * * Puro Olio d' Oliva Importato da Lucca Toscana Italia," and "This Olive Oil is guaranteed to be absolutely pure under chemical analysis [and similar statements in Italian, German, French, and Spanish]"; (Lucca brand) design of olive branch and olives and the statements, "One Gallon Net * * * Pure Olive Oil Lucca Imported Product * * * Puro Olio d'Oliva Lucca Prodotto Importato," "This olive oil is guaranteed to be absolutely pure under any chemical analysis Recommended for table use and medicinal purposes," "Quest' Olio d'Oliva e garantito assolutamente puro sotto qualsiasi analisi chimica raccomandato per tavola e per uso medicinale," and "Imported Pure Olive Oil"; (Italia brand) design of olive branches and olives, and Italian flag and the statements, "Contents One Gallon Italia * * * Olive Oil Imported Lucca-Italia," "Olio d'Oliva * * * Importato Lucca-Italia," "The purity of this olive oil is guaranteed under chemical analysis and we recommend it for table and medicinal uses," and "La purezza di quest' olio e garantita all' analisi chimica noi lo raccomandiamo per uso tavola che per uso medicinale"; (Olio di Oliva Vergine) designs of olive branch and olives, and olive tree, and the statements, "Net Contents one Gallon Olio di Oliva-Vergine Lucca * * * Prodotto Italiano olio d'Oliva," "This Olive Oil is guaranteed pure Olio d'Oliva," "Questo Olio e garantito di puro oliva Olio d'Oliva," and "Imported Pure Olive Oil"; (A. Sasso brand) "One Gallon Superfine Olive Oil * * * Imported * * * Olio d'Oliva Sopraffino * * * Importato * * * Pure Olive Oil Imported * * * Olio Puro d'Oliva Raccomandato per uso medicinale * * * Puro Olio di Oliva [designs of olive branches and olives]."

It 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; 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 February 28, 1939, no claimant having appeared, judgments of condemnation were entered and the product was ordered delivered to charitable institutions after its removal from the original cans.

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

30375. Adulteration of walnut meats. U. S. v. 50 Cartons and 100 Cartons of Shelled Walnuts. Consent decree of condemnation. Product released under bond. (F. & D. Nos. 44887, 44888. Sample Nos. 39828-D, 39829-D.)

This product, which had been shipped in interstate commerce and remained unsold and in the original packages at the time of examination, was found to be insect-infested.

On February 21, 1939, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 150 cartons of shelled walnuts at Seattle, Wash.; alleging that the article had been shipped on or about January 28, 1939, by Torn & Glasser from Los Angeles, Calif.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Shelled Walnuts Southern Heart"; or "California Shelled Walnuts."

It was alleged to be adulterated in that it consisted in whole or in part of a filthy vegetable substance.

On March 8, 1939, Torn & Glasser Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered, and the product was ordered released under bond conditioned that it should not be disposed of in violation of the law.

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