

and charging that it was misbranded. It was labeled in part: (Jars) "Supreme Brand Peanut Butter * * * Net Wt. 1 Pound."

The article was alleged to be misbranded in that the statement "Net Wt. 1 Pound" was false and misleading since it was not correct; and in that it was in package form and did not bear an accurate statement of the quantity of the contents.

On December 20, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1351. Misbranding of peanut butter. U. S. v. 70 Cases of Peanut Butter. Default decree of condemnation. Product ordered distributed to charitable institutions. (F. D. C. No. 1878. Sample No. 10192-E.)

This product was short weight.

On April 25, 1940, the United States attorney for the District of New Jersey filed a libel against 70 cases of peanut butter at Newark, N. J., alleging that the article had been shipped in interstate commerce on or about February 12, 1940, by Producers Peanut Co., Inc., from Suffolk, Va.; and charging that it was misbranded. It was labeled in part: (Jars) "The Better Grade Uco Peanut Butter Contents 12 Ozs. Net Wt. Uco Food Corp. Distributors Newark, N. J."

The article was alleged to be misbranded in that the statement on the label, "Contents 12 Ozs. Net Wt.," was false and misleading since it was not correct; and in that it was in package form and failed to bear an accurate statement of the quantity of the contents.

On December 21, 1940, no claimant having appeared, judgment of condemnation was entered and it was ordered that the labels be destroyed and the product distributed to charitable institutions.

1352. Misbranding of peanut butter. U. S. v. 50 Cases of Peanut Butter. Default decree of condemnation. Product ordered delivered to a charitable institution. (F. D. C. No. 2044. Sample No. 5868-E.)

This product was short weight.

On June 3, 1940, the United States attorney for the Southern District of West Virginia filed a libel against 50 cases of peanut butter at Williamson, W. Va., alleging that the article had been shipped in interstate commerce on or about April 2, 1940, by Producers Peanut Co., Inc., from Suffolk, Va., and charging that it was misbranded. It was labeled in part: (Jar) "Armour's Star Pure Peanut Butter 6 Oz. Net * * * Armour and Company."

Misbranding was alleged in substance in that the statement on the label, "6 Oz. Net," was false and misleading since the jars contained less than that amount.

On June 14, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution.

OILS AND FATS

OLIVE OIL

1353. Adulteration and misbranding of olive oil. U. S. v. 10 Cans and 24 Cans of Olive Oil. Default decrees of condemnation and destruction. (F. D. C. Nos. 3169, 3170. Sample Nos. 36626-E, 36627-E, 36628-E.)

This product, which was represented to be pure olive oil, was found to consist almost entirely of cottonseed oil with little or no olive oil present.

On October 9, 1940, the United States attorney for the District of Massachusetts filed libels against 34 cans of olive oil at Framingham, Mass., alleging that the article had been shipped in interstate commerce on or about September 23 and October 7, 1940, by the Columbia Tea Co. from Providence, R. I.; and charging that it was adulterated and misbranded. The article was labeled in part: (Cans) "Puglia Brand Superfine Pure Olive Oil" and "Pure Stella Alpino Brand Imported Olive Oil."

The article was alleged to be adulterated in that a substance consisting almost entirely of cottonseed oil with little or no olive oil had been substituted wholly or in part for olive oil, which it purported to be.

The Puglia brand was alleged to be misbranded in that the following statements in the labeling were false and misleading as applied to an article consisting almost entirely of cottonseed oil with little or no olive oil: "Superfine Pure Olive Oil Imported From Lucca, Italy"; "Imported from Italy." The Stella Alpino brand was alleged to be misbranded in that it was offered for sale under the

name of another food, namely: "Imported Olive Oil Olio D'Oliva de Lucca Italia Imported from Italy."

On November 18, 1940, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

1354. Adulteration and misbranding of olive oil. U. S. v. 6 Cases of Olive Oil. Default decree of condemnation and destruction. (F. D. C. No. 3393. Sample No. 2697-E.)

This product was represented in its labeling to be olive oil; whereas it consisted of an artificially flavored and colored oil similar to soya bean oil, containing little or no olive oil. It was also short of the declared volume.

On November 18, 1940, the United States attorney for the District of Massachusetts filed a libel against six cases of olive oil at Boston, Mass., alleging that the article had been shipped in interstate commerce on or about November 7, 1940, by Tony Romano from Pawtucket, R. I.; and charging that it was adulterated and misbranded.

The article was alleged to be adulterated in that an artificially flavored and colored oil similar to soya bean oil containing little or no olive oil had been substituted wholly or in part for olive oil, which it purported to be; in that inferiority had been concealed by the addition of artificial flavor and color; and in that artificial flavor and color had been added thereto or mixed or packed therewith so as to make it appear better or of greater value than it was.

The article was alleged to be misbranded in that the statements "Imported from Italy Italian Product Virgin Olive Oil Imported Superfine Brand Lucca Prodotto Italiano Vergine Olio d'Oliva Importato Marca Soprafinno Lucca Finest Quality This imported olive oil is guaranteed to be absolutely pure under chemical analysis. * * * Garanzia della qualita Questo olio d'oliva importato e garantito assolutamente puro sotto analisi chimica," were false and misleading as applied to an artificially flavored and colored oil similar to soya bean oil, containing little or no olive oil.

It was alleged to be misbranded further in that the statement "Net Contents One Gallon" was false and misleading since it was incorrect; in that it did not bear an accurate statement of the quantity of the contents; in that it was offered for sale under the name of another food; in that it was an imitation of another food 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; in that it was in package form and did not contain the name and place of business of the manufacturer, packer, or distributor; and in that it bore or contained artificial flavoring and artificial coloring but failed to bear labeling stating that fact.

On December 30, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

OLEOMARGARINE

1355. Adulteration of oleomargarine. U. S. v. 37 Cases of Oleomargarine. Default decree of condemnation and destruction. (F. D. C. No. 3123. Sample No. 16176-E.)

This product contained an average of 73.19 percent of fat and 21.55 percent of moisture. Oleomargarine should contain not less than 80 percent fat.

On or about October 3, 1940, the United States attorney for the Western District of Missouri filed a libel against 37 cases of vegetable oleomargarine at Kansas City, Mo., alleging that the article had been shipped in interstate commerce on or about September 19, 1940, by the Miami Butterine Co. from Cincinnati, Ohio; and charging that it was adulterated in that a substance deficient in fat and containing excessive moisture had been substituted wholly or in part for oleomargarine. The article was labeled in part: (Cartons) "Nu-Maid Vegetable Oleomargarine."

On November 12, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1356. Adulteration of oleomargarine. U. S. v. 200 Cases of Oleomargarine. Consent decree of condemnation and destruction. (F. D. C. No. 2597. Sample No. 30332-E.)

Analysis showed that this product contained an average of 74.3 percent fat and 20.8 percent moisture. Oleomargarine should contain not less than 80 percent of fat.