

thereafter, the name of the food imitated; (3) in that the label contained representations in a foreign language (Italian) and the information required by the act to appear on the label did not appear thereon in the foreign language; and (4) in that it contained artificial flavoring and did not bear labeling stating that fact.

On April 7, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered distributed to charitable institutions.

2513. Adulteration and misbranding of vegetable oil. U. S. v. 48 Cans of Table Oil. Default decree of condemnation and destruction. (F. D. C. No. 3944. Sample Nos. 46301-E, 46302-E, 46305-E, 46308-E, 46309-E.)

This product was an artificially flavored and artificially colored cottonseed oil simulating olive oil in appearance and flavor and containing a coal-tar dye not certified for food use. The mandatory labeling required by the law was inconspicuous and, in some instances, illegible.

On March 11, 1941, the United States attorney for the District of New Jersey filed a libel against 48 cans of vegetable oil at Newark, N. J., alleging that the article had been shipped in interstate commerce on or about November 8, 1940, by Naples Oil Packing Co. from Brooklyn, N. Y.; and charging that it was adulterated and misbranded. It was labeled variously in part: "Superfine Brand," "Royal Brand," "Roberta Brand," "Gioiosa Brand," or "Lucci Brand." All the cans bore a stamped statement reading "Corn Oil Color and Flavor Added" that was inconspicuous and, in some instances, illegible.

The article was alleged to be adulterated in that cottonseed oil, artificially flavored and colored, in imitation of olive oil, had been substituted wholly or in part for corn oil, which it purported to be; and in that it contained a coal-tar color other than one from a batch that had been certified in accordance with regulations as provided by law.

It was alleged to be misbranded (1) in that the statement "Corn Oil Color and Flavor Added" was false and misleading as applied to artificially flavored and colored cottonseed oil; (2) in that it was an imitation of another food, olive oil, and its labels failed to bear in type of uniform size and prominence the word "imitation" and, immediately thereafter, the name of the food imitated; (3) in that the name and place of business of the packer, the common or usual name of the food, and the declaration of artificial flavoring and coloring, required by the act to appear on the label, were not prominently placed thereon with such conspicuousness as to render them likely to be read by the ordinary individual under customary conditions of purchase and use; (4) in that the labels contained representations in a foreign language (Italian) and the information required by the act did not appear on the label in the foreign language; and (5) in that the article labeled "Lucci Brand" was in package form and did not bear a label containing an accurate statement of the quantity of the contents.

On July 18, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

2514. Adulteration and misbranding of olive oil. U. S. v. 32 Cans, 4 Cans, 37 Cans, 147 Cans, and 12 Cans of Olive Oil. Default decree of condemnation. Portion of product ordered delivered to charitable institution; remainder ordered destroyed. (F. D. C. No. 3633. Sample Nos. 46166-E to 46170-E, incl.)

This product was found to consist essentially of artificially colored and (excepting one lot) artificially flavored cottonseed oil containing little or no olive oil.

On January 8, 1941, the United States attorney for the District of New Jersey filed a libel against 232 gallon cans of olive oil at East Orange, N. J., alleging that the article had been shipped in interstate commerce on or about October 14 and November 11, 1940, by V. Ritacco from Brooklyn, N. Y.; and charging that it was adulterated and misbranded. It was labeled in part variously: "Rodolfo Brand Olive Oil," "Superfine Olive Oil A. Sasso Brand," "Nerone Brand Olive Oil," "Olio Di Olive-Vergine," and "Olive Oil Superfine Brand."

The article was alleged to be adulterated (1) in that artificially colored and (with the exception of 147 cans) artificially flavored cottonseed oil containing little or no olive oil had been substituted wholly or in part for olive oil, which it purported to be; (2) in that inferiority had been concealed by the addition of artificial color and with the exception of 147 cans artificial flavor; and (3) in that artificial color and (with the exception previously noted) artificial flavor had been added thereto or mixed or packed therewith so as to make it appear better or of greater value than it was.

It was alleged to be misbranded (1) in that the following statements and designs were false and misleading: (32-can lot) "Olive Oil Italian Produce [design of olives and olive branches] * * * This extra fine pure olive oil is guaranteed under chemical analysis. It is highly recommended for table and medicinal uses. Extra Superfine * * * Superfine Olive Oil Imported Product [and similar statements in Italian]"; (4-can lot) "Superfine Olive Oil * * * Imported product [design of an olive branch with olives] * * * Pure Olive Oil Imported [and similar statements in Italian]"; (37-can lot) "Pure Imported Olive Oil [design of an olive branch and olives] * * * This olive oil is guaranteed to be absolutely pure under chemical analysis. It is pressed from selected ripe olive * * * Highly recommended for medicinal purpose and table use * * * Olive Oil [and similar statements in Italian]"; (147-can lot) "[design of olive branch with olives] This olive oil is guaranteed pure Imported Pure Olive Oil [and similar statement in Italian]"; (12-can lot) "Italian Product Imported Virgin Olive Oil Superfine * * * Lucca Italy [design of an olive branch with olives] This olive oil is guaranteed to be absolutely pure under any chemical analysis Recommended for table use and medicinal purposes Imported Pure Olive Oil [and similar statements in Italian]"; (2) in that the article was an imitation of another food and the labels did not bear, in type of uniform size and prominence, the word "imitation" and, immediately thereafter, the name of the food imitated; (3) in that (37 cans excepted) it was in package form and did not bear a label containing the name and place of business of the manufacturer, packer, or distributor; and (4) in that it contained artificial coloring and (with the exception of 147 cans) artificial flavoring and did not bear labeling stating those facts.

On November 25, 1941, no claimant having appeared, judgment of condemnation and forfeiture was entered. One hundred and forty-six gallon cans of the product were ordered delivered to a charitable institution and the remainder was ordered destroyed.

2515. Adulteration and misbranding of oil. U. S. v. 46 Cans and 10 Jugs of Oil. Default decree of condemnation and destruction. (F. D. C. No. 3842. Sample Nos. 33950-E, 33951-E, 33952-E.)

Analysis showed that this product consisted essentially of cottonseed oil artificially colored with an uncertified coal-tar color and artificially flavored to simulate olive oil.

On February 19, 1941, the United States attorney for the District of New Jersey filed a libel against 46 cans and 10 jugs of oil at Bayonne, N. J., alleging that the article had been shipped in interstate commerce on or about January 31, 1941, by Roma Oil Packing Co. from Brooklyn, N. Y.; and charging that it was adulterated and misbranded. The product in the cans was labeled in part: "One Gallon Net Extra Fine Oil Superfine Brand"; or "One Gallon Royal Brand Extra Quality Fine Oil." The 10 jugs were unlabeled.

The article was all alleged to be adulterated in that inferiority had been concealed by the addition of artificial flavor and artificial color; in that artificial flavor and artificial color had been added thereto or mixed or packed therewith so as to make it appear better or of greater value than it was; and in that it contained a coal-tar color other than one from a batch that had been certified in accordance with the law.

The product contained in the cans was alleged to be misbranded (1) in that the word "Oil," which to Italian-speaking people means olive oil, in combination with the statements in Italian, (Superfine brand) "Prodotto Garantito," "Sopraffino"; and (Royal brand) "Marca Reale * * * Finissima Qualita * * * Olio Fino," and the designs of a royal crown, shields showing castles, etc., and a stalk of what appeared to be olive leaves, borne on the label, were false and misleading since they conveyed the impression that the article was imported Italian olive oil; (2) in that it was an imitation of another food, olive oil, and the labels did not bear, in type of uniform size and prominence, the word "Imitation" and, immediately thereafter, the name of the food imitated; (3) in that the labels did not contain the name and place of business of the manufacturer, packer, or distributor; (4) in that the labels did not bear the common or usual name of the food; (5) in that the labels did not bear the common or usual name of each ingredient of which the article was fabricated; and (6) in that the article contained artificial flavoring and artificial coloring and the labels did not state that fact. The product in the jugs was alleged to be misbranded (1) in that it was in package form and did not bear a label containing the name and place of business of the manufacturer, packer, or dis-