

The article was alleged to be adulterated in that a substance consisting essentially of cottonseed oil containing little or no olive oil and artificially flavored to simulate olive oil had been substituted wholly or in part for olive oil, which it purported to be; and in that artificial flavoring had been added thereto or mixed or packed therewith to make it appear better or of greater value than it was.

It was alleged to be misbranded (1) in that the word and statements "Olio," "Superior Oil," "Olio Sopraffino," "Recommended especially for the Italian trade," and the Italian brand name "Berta" and the design displayed upon the cans were false and misleading since the said words, brand name, and design represented and suggested that the article was olive oil; whereas it was not olive oil, but was a substance consisting essentially of cottonseed oil containing little or no olive oil and artificially flavored to simulate olive oil; (2) in that it was an imitation of another food and the label did not bear in type of uniform size and prominence the word "imitation" and immediately thereafter the name of the food imitated, "olive oil"; (3) in that it contained artificial flavoring and did not bear labeling stating that fact; and (4) in that statements required by or under authority of law to appear on the label or labeling were not prominently placed thereon in such terms as to render them likely to be read and understood by the ordinary individual under customary conditions of purchase and use, since the label bore statements in a foreign language and the statement of the quantity of the contents and the common or usual name of each ingredient of each article did not appear on the label in said foreign language.

On February 8, 1942, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$25.

2778. Adulteration and misbranding of olive oil. U. S. v. Joseph Benestelli (De Luxe Products Co.). Plea of guilty. Fine, \$100 and costs. (F. D. C. No. 4146. Sample Nos. 29013-E, 29014-E, 29015-E.)

This product was found to consist essentially of cottonseed oil with little or no olive oil.

On July 3, 1941, the United States attorney for the Western District of Pennsylvania filed an information against Joseph Benestelli, trading as De Luxe Products Co. at McKees Rocks, Pa., alleging shipment on or about May 28 and June 26, 1940, from the State of Pennsylvania into the State of Ohio of quantities of olive oil which was adulterated and misbranded.

The article was alleged to be adulterated in that a product consisting essentially of cottonseed oil and containing little or no olive oil, had been substituted wholly or in part for olive oil, which it purported to be.

It was alleged to be misbranded in that the statements, "O Sole Mio Virgin Extra Sublime Olive Oil (one lot "Imported from Lucca—Italy") * * * O Sole Mio Italian Olive Oil is produced with selected ripe olives from the finest regions available. That is why the quality is uniformly 'of the best' at all times. Absolutely pure in all respects and so guaranteed under chemical analysis. You need not hesitate to use this olive oil freely for cooking and eating purposes. Also splendid for medicinal use," and similar statements in Italian, together with the design of olive leaves and branches, appearing on the label, were false and misleading; in that it was offered for sale under the name of another food, olive oil; and in that it was an imitation of another food, olive oil, and its label did not bear in type of uniform size and prominence, or at all, the word "imitation" and, immediately thereafter, the name of the food imitated; one shipment was alleged to be misbranded further 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 distributor.

On November 3, 1941, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$100 and costs.

2779. Adulteration and misbranding of olive oil. U. S. v. 10 Cases of Olive Oil. Default decree of condemnation and destruction. (F. D. C. No. 5766. Sample No. 69245-E.)

This product consisted essentially of cottonseed oil and was artificially flavored and colored to simulate olive oil.

On September 17, 1941, the United States attorney for the Southern District of New York filed a libel against 10 cases of olive oil at New York, N. Y., alleging that the article had been offered for shipment in interstate commerce on or about September 5, 1941, by J. Baba, New York, N. Y.; and charging that it was adulterated and misbranded. The article was labeled in part: "Riviera Brand Pure Olive Oil Imported from Lucca, Toscana, Italy."

The article was alleged to be adulterated in that artificially flavored and colored cottonseed oil, containing little or no olive oil, had been substituted

wholly or in part for olive oil, which the article purported to be; in that inferiority had been concealed by the addition of artificial flavor and artificial color; and 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.

The article was alleged to be misbranded in that the following statements "Pure Olive Oil Imported from Lucca Toscana Italy," "Puro Olio d'oliva Importato da Lucca Toscana Italia," "This Olive Oil is guaranteed to be absolutely pure under chemical analysis [similar statements in foreign languages]" and "Imported from Italy," were false and misleading as applied to an article consisting essentially of cottonseed oil, containing little or no olive oil, and artificially flavored and colored to simulate olive oil; 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 bear a label containing the name and place of business of the manufacturer, packer, or distributor; and in that it contained artificial flavoring and artificial coloring and failed to bear labeling stating that fact.

On October 14, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

2780. Adulteration and misbranding of oil. U. S. v. 6 Cans and 9 Cans of Edible Oil. Default decree of condemnation and destruction. (F. D. C. No. 4927. Sample Nos. 56676-E, 56677-E.)

This product was found to consist essentially of an artificially flavored and colored mixture of cottonseed oil and another oil not olive oil. It contained a coal-tar color that had not been certified for food use.

On or about June 14, 1941, the United States attorney for the District of Connecticut filed a libel against 15 cans of edible oil at Torrington, Conn., alleging that the article had been shipped in interstate commerce on or about April 16, 1941, by L. Campo from New York, N. Y.; and charging that it was adulterated and misbranded. The article was labeled in part: (6 gallons) "One Gallon Net Prodotto Garantito Extra Fine Oil Sopraffino Brand"; or (9 gallons) "1 Gal."

The article was alleged to be adulterated 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 it was an imitation of another food, olive oil, 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; (2) 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 distributor; (3) in that it was fabricated from two or more ingredients and its label failed to bear the common or usual name of each ingredient; and (4) in that it contained artificial flavoring and artificial coloring and did not bear labeling stating that fact. The 6-gallon lot was alleged to be misbranded further in that the label contained representations in a foreign language (Italian) but failed to contain in such language all the words, statements, and information required by or under the law to appear on the label.

On September 23, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

2781. Misbranding of oil. U. S. v. 11 Glass Jugs and 12 Cans of Oil. Default decree of condemnation. Product ordered delivered to a charitable institution. (F. D. C. No. 5767. Sample Nos. 74390-E, 74391-E.)

This product consisted essentially of cottonseed oil, artificially flavored and colored to simulate olive oil.

On or about September 20, 1941, the United States attorney for the District of New Jersey filed a libel against 11 unlabeled glass jugs and 12 labeled cans of oil at Newark, N. J., alleging that the article had been shipped in interstate commerce on or about August 23, 1941, by the Chandu Coffee Co., from Brooklyn, N. Y.; and charging that it was misbranded. The cans of oil were labeled in part: (Main panels) "One Gallon Net Fine Edible Oil P. Enrico Brand."

The article was alleged to be misbranded (1) in that it was an imitation of another food, olive oil, 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; (2) in that it was in package form and failed to bear a label