

DISPOSITION: December 7, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to the Food and Drug Administration.

7491. Misbranding of peanut butter. U. S. v. 299 Cases of Peanut Butter. Decree of condemnation. Product ordered released under bond. (F. D. C. No. 14197. Sample Nos. 72987-F, 83503-F.)

LIBEL FILED: November 8, 1944, Northern District of California.

ALLEGED SHIPMENT: On or about October 5, 1944, by the Pacific Food Products Co., from Seattle, Wash.

PRODUCT: 299 cases, each containing 24 jars, of peanut butter at San Francisco, Calif.

This product was short-weight.

LABEL, IN PART: "Sunny Jim Brand Peanut Butter."

VIOLATION CHARGED: Misbranding, Section 403 (e) (2), the product was a food in package form, and it failed to bear a label containing an accurate statement of the quantity of contents, since the label statement "Contents 15½ Ozs." was inaccurate.

DISPOSITION: December 15, 1944. American Factors, Limited, having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond to be brought into conformity with the law, under the supervision of the Food and Drug Administration.

7492. Adulteration of pine nuts. U. S. v. 16 Sacks of Pine Nuts. Decree of condemnation. Product ordered released under bond. (F. D. C. No. 13690. Sample No. 72959-F.)

LIBEL FILED: September 18, 1944, Northern District of California.

ALLEGED SHIPMENT: On or about August 18, 1944, by Freeds Store, from Albuquerque, N. Mex.

PRODUCT: 16 sacks, each containing approximately 80 pounds, of pine nuts at San Francisco, Calif.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent and animal excreta pellets.

DISPOSITION: October 7, 1944. The E. M. Hirschfelder Co., San Francisco, Calif., having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Administration.

7493. Adulteration of pine nuts. U. S. v. 48 Bags and 13 Bags of Pine Nuts. Decree of condemnation. Product ordered released under bond. (F. D. C. No. 13690. (F. D. C. Nos. 13039, 13691. Sample Nos. 72960-F, 73236-F.)

LIBELS FILED: July 25 and September 18, 1944, Northern District of California.

ALLEGED SHIPMENT: On or about November 1, 1943, and June 5, 1944, by Gross Kelly and Co., from Gallup, N. Mex.

PRODUCT: 48 75-pound bags, and 13 second-hand bags, each containing approximately 75 pounds, of pine nuts at San Francisco, Calif.

LABEL, IN PART: (Portion, bag) "A. A. Co 240 Drum St Frisco."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of animal excreta pellets.

DISPOSITION: August 7 and October 26, 1944. Albert Asher and the Martin Donig Nut Co., San Francisco, Calif., having appeared as claimants for the respective lots, judgments of condemnation were entered and the product was ordered released under bond to be brought into conformance with the law, under the supervision of the Food and Drug Administration. The nuts were segregated and cleaned, and the rejected portion was destroyed.

7494. Adulteration of shelled walnuts. U. S. v. 5 Cartons of Shelled Walnuts. Default decree ordering product disposed of for animal feed. (F. D. C. No. 13201. Sample No. 60566-F.)

LIBEL FILED: August 8, 1944, District of Utah.

ALLEGED SHIPMENT: On or about July 18, 1944, by the Pacific Coast Nut House, San Jose, Calif.

PRODUCT: 5 30-pound cartons of shelled walnuts at Salt Lake City, Utah.
LABEL, IN PART: "California Shelled Walnuts * * * Salted Bakers Granules."
VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of larvae, larva fragments, and insect fragments.
DISPOSITION: September 30, 1944. No claimant having appeared, judgment was entered ordering that the product be disposed of as hog feed.

OILS AND FATS

7495. Adulteration and misbranding of French style dressing. U. S. v. 17 Cases of Dressing. Default decree of condemnation and destruction. (F. D. C. No. 13669. Sample No. 68134-F.)

LIBEL FILED: September 13, 1944, Northern District of Ohio.

ALLEGED SHIPMENT: On or about June 30 and July 29, 1944, by the Tally-Ho Kitchens, Cedar Falls, Iowa.

PRODUCT: 17 cases, each containing 24 1-pint jars, of French style dressing at East Cleveland, Ohio.

LABEL, IN PART: "Tally-Ho Dressing French Style * * * Contains * * * Salad Oil (Corn, Mineral and Cottonseed)."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (1), a valuable constituent, edible oil, had been in part omitted from the article; and, Section 402 (b) (2), an article containing mineral oil and less edible vegetable oil than French style dressing contains had been substituted in whole or in part for French style dressing.

Misbranding, Section 403 (a), the label statement, "Dressing French Style," was false and misleading as applied to the article, which contained mineral oil and only 5 percent of edible vegetable oil; and the label statement "Salad Oil" was false and misleading since mineral oil is not a salad oil.

DISPOSITION: October 17, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

7496. Adulteration of edible oil. U. S. v. 8 Jugs of Oil. Default decree of condemnation. Product ordered sold to a rendering plant. (F. D. C. No. 13057. Sample No. 52660-F.)

LIBEL FILED: July 26, 1944, District of New Hampshire.

ALLEGED SHIPMENT: On or about June 19, 1944, by the Electricooker Sales, Inc., c/o John W. Leavitt Co., Boston, Mass.

PRODUCT: 8 1-gallon jugs of oil at Manchester, N. H.

Analysis showed that the product consisted essentially of cottonseed oil with a very small amount of peanut and olive oils.

LABEL, IN PART: "Nut Cooking Oil * * * A Blend of Refined Vegetable Oil and Olive Oil."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (1), a valuable constituent, olive oil, had been in part omitted; and, Section 402 (b) (2), a substance consisting essentially of cottonseed oil with very small amounts of peanut and olive oils had been substituted in whole or in part for a mixture of vegetable oil and a substantial quantity of olive oil, which the article was represented to be.

Misbranding, Section 403 (a), the label statement, "A Blend of Refined Vegetable Oil and Olive Oil," was misleading since it implied that the article contained a substantial amount of olive oil; and, Section 403 (i) (2), the article was fabricated from two or more ingredients and its label failed to bear the common or usual name of each ingredient, since "Refined Vegetable Oil" is not the common or usual name of cottonseed and peanut oils.

DISPOSITION: October 24, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered sold to a rendering plant.

7497. Adulteration and misbranding of edible oil. U. S. v. 30 Cans of Oil. Default decree of condemnation. Product ordered delivered to a charitable institution. (F. D. C. No. 13609. Sample No. 82315-F.)

LIBEL FILED: September 6, 1944, Southern District of New York.

ALLEGED SHIPMENT: On or about June 20, 1944, by the Caruso Products Distributing Corporation, Newark, N. J.