

2499. Adulteration of pecans. U. S. v. 26 Cases of Shelled Pecans. Consent decree of condemnation. Product ordered released under bond for segregation and destruction of unfit portion. (F. D. C. No. 4033. Sample No. 56346-E.)

On March 22, 1941, the United States attorney for the Southern District of New York filed a libel against 26 cases of shelled pecans at New York, N. Y., alleging that the article had been shipped on or about January 3, 1941, by the Southern Pecan Shelling Co. from San Antonio, Tex.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "60 Lbs. Fancy Pecan Pieces, Southern Belle Pecans."

On June 10, 1941, Southern Pecan Shelling Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that the unfit portion be segregated and destroyed under the supervision of the Food and Drug Administration.

2500. Adulteration of shelled walnuts. U. S. v. 10 Cartons of Shelled Walnuts. Default decree of condemnation and destruction. (F. D. C. No. 5075. Sample No. 69654-E.)

Examination of this product showed the presence of wormy and moldy walnuts.

On July 3, 1941, the United States attorney for the District of New Jersey filed a libel against 10 cartons of shelled walnuts at Newark, N. J., alleging that the article had been shipped in interstate commerce on or about March 17 and April 7, 1941, by L. R. Stone Co. from Los Angeles, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a filthy and decomposed substance.

On September 4, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

2501. Adulteration of black walnuts. U. S. v. 53 Bags of Black Walnuts. Default decree of condemnation and destruction. (F. D. C. No. 5190. Sample No. 56922-E.)

Examination of this product showed the presence of decomposed, rancid, and moldy walnuts.

On July 8, 1941, the United States attorney for the Southern District of New York filed a libel against 53 bags of black walnuts at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about October 23, 1937, by L. Demartini Co. from San Francisco, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: (Bags) "California Black Walnuts * * * 125 lbs. net."

On August 8, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

2502. Adulteration of peanut butter. U. S. v. 303 Cartons of Peanut Butter. Consent decree of condemnation and destruction. (F. D. C. No. 1854. Sample No. 13591-E.)

Examination showed that this product contained sand and dirt.

On April 24, 1940, the United States attorney for the Western District of Washington filed a libel against 303 cartons of peanut butter at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about September 30, 1939, by Pacific Food Products Co. from Jacksonville, Fla.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Playmate Peanut Butter, Mfg. by United States Peanut Co., Jacksonville, Florida."

On October 27, 1941, Pacific Food Products Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered destroyed.

VEGETABLE SHORTENING AND VEGETABLE OILS

2503. Adulteration of vegetable shortening. U. S. v. 29 Cases and 20 Cases of Vegetable Shortening. Default decree of condemnation and destruction. (F. D. C. No. 4959. Sample No. 46956-E.)

Examination of this product showed the presence of feather barbs, rodent hairs, and pieces of excelsior.

On June 21, 1941, the United States attorney for the Southern District of New York filed a libel against 49 cases of vegetable shortening at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about February 25, April 4, and May 20, 1941, by the Hanover Food Products Co. from Baltimore, Md.; and charging that it was adulterated in that it con-

sisted in whole or in part of a filthy substance; and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part: (Cases) "Purflake Pure Vegetable Puff Pastry Shortening * * * 30 [or '60'] Net Weight."

On August 19, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

2504. Adulteration and misbranding of olive oil. U. S. v. 18 Cans, 2 Cans, and 6 Cans of Olive Oil. Default decree of condemnation and destruction. (F. D. C. No. 4882. Sample Nos. 50840-E, 50841-E, 50842-E.)

This product was represented to be olive oil, whereas it consisted essentially of cottonseed oil.

On or about June 6, 1941, the United States attorney for the District of Maryland filed a libel against 26 cans of olive oil at Baltimore, Md., alleging that the article had been shipped in interstate commerce on or about May 19, 1941, by Spiros Annos from Philadelphia, Pa.; and charging that it was adulterated and misbranded. It was labeled in part: "Olio di Oliva Vergine Lucca Brand"; or "Italia Brand Olio d'Oliva Supremo Importato."

The article was alleged to be adulterated in that cottonseed 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 following statements in the labeling were false and misleading as applied to cottonseed oil: (18 cans) "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," "Imported Pure Olive Oil"; and (8 cans) "Italia Brand Supreme Olive Oil Imported Lucca-Italia," "Italia Brand Olio d'Oliva Supremo Importato Lucca-Italia," "The purity of this olive oil is guaranteed under chemical analysis and we recommend it for table and medicinal uses," "La purezza di quest olio e garentita all analisi chimica noilo raccomandiamo per uso tavola che per uso medicinale," and "Imported Pure Olive Oil." It was alleged to be misbranded further in that it was offered for sale under the name of another food; and 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 July 9, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

2505. Adulteration and misbranding of olive oil. U. S. v. 5 Cans and 27 Cans of Olive Oil. Default decrees of condemnation and destruction. (F. D. C. No. 3876. Sample Nos. 56022-E, 56023-E.)

This product was found to consist (5 cans) of artificially colored cottonseed oil or (27 cans) essentially of soybean or corn oil colored with a coal-tar dye not certified for food use; and (all cans) containing little or no olive oil, although represented in its labeling to be pure olive oil.

On or about February 26, 1941, the United States attorney for the District of Connecticut filed a libel against 32 cans of olive oil at Bridgeport, Conn., alleging that the article had been shipped in interstate commerce on or about September 2, 1939, by J. Caruso from Elizabeth, N. J.; and charging that it was adulterated and misbranded. It was labeled in part: (Cans) "Olio Di Oliva-Vergine Lucca Brand"; or "Superfine Olive Oil A. Sasso Brand."

The article was alleged to be adulterated in that (5 cans) an artificially colored cottonseed oil, containing little or no olive oil, had been substituted wholly or in part for olive oil; (27 cans) in that an artificially colored oil consisting essentially of soya bean or corn oil with a small amount of cottonseed oil, containing little or no olive oil, had been substituted wholly or in part for olive oil; (all cans) in that inferiority had been concealed by the addition of artificial color; in that 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 (27 cans) in that it contained a coal-tar color other than one from a batch that had been certified as provided by law.

It was alleged to be misbranded in that the following statements borne on the labels were false and misleading: (5 cans) "Olio di Oliva-Vergine Lucca * * * Prodotto Italiano Olio d'Oliva [design of olive branch with olives] This olive oil is guaranteed pure," "Questo Olio e garantito di puro oliva," and "Imported Pure Olive Oil"; (27 cans) "Superfine Olive Oil * * * Imported Product," "Olio d'Oliva Sopraffino * * * Prodotto Importato [design of an olive branch with olives]," "Pure Olive Oil Imported," "Olio Puro d'Oliva Raccomandato per uso medicinale," and "Puro Olio di Oliva." It was alleged to be misbranded further in that it was an imitation of another food, olive oil,