

SHIPPED: 1-6-62, from Atmore, Ala., by M. Benenson.

LIBELED: 4-12-62, N. Dist. Ill.

CHARGE: 402(a) (3)—contained rancid, moldy, shriveled nuts and empty shells when shipped.

DISPOSITION: 5-9-62. Consent—claimed by J. Masino & Sons, Chicago, Ill. Segregated; 46,086 lbs. destroyed.

28592. Shelled peanuts, sesame flour, corn puffs, and corn chips. (F.D.C. No. 47082. S. Nos. 2-415 T, 2-417 T, 2-419/20 T, 2-422 T.)

INFORMATION FILED: 5-10-62, N. Dist. Ga., against Filler Products, Inc., Atlanta, Ga.

ALLEGED VIOLATIONS: Between 12-19-60 and 9-21-61, while quantities of peanuts and sesame flour were being held for sale after shipment in interstate commerce, the defendant caused them to be held in a building accessible to houseflies and rodents and caused them to be exposed to contamination by houseflies and rodents, which acts resulted in the articles being adulterated. In addition, on 9-22-61, the defendant caused quantities of corn puffs and corn chips which were adulterated to be shipped to Kentucky and Illinois.

LABEL IN PART: (Pkg.) "Cheez-Trix Oven Baked Corn Puffs Net Wt. 7 Oz." and "Filler's Taste Thrillers Net Wt. $\frac{3}{4}$ Ozs. (or $1\frac{3}{4}$ Ozs.) Tor Tees Corn Chips Mfg. by Filler Products Inc. Atlanta, Ga."

CHARGE: 402(a) (3)—the peanuts and flour contained rodent urine, rodent hairs, and rodent excreta pellets; and 402(a) (4)—held under insanitary conditions. 402(a) (4)—when shipped, the corn puffs and corn chips had been prepared and packed under insanitary conditions.

PLEA: Nolo contendere.

DISPOSITION: 7-25-62. \$200 fine.

28593. Roasted peanuts. (F.D.C. No. 47199. S. No. 54-216 T.)

QUANTITY: 54 cases, each containing 12 14-oz. jars, and 95 cases, each containing 12 9½-oz. jars, at Chicago, Ill.

SHIPPED: 2-14-62, from Detroit, Mich., by Abner Wolf, Inc.

LABEL IN PART: (Jar) "Planters Dry Roasted Peanuts Less Calories No Oils or Sugar Used In Processing Mfg. by Planters Peanuts A Division of Standard Brands Inc., New York, N.Y."

RESULTS OF INVESTIGATION: Examination showed that the article contained approximately 40 percent fat and approximately 30 percent protein.

LIBELED: 3-6-62, N. Dist. Ill.

CHARGE: 403(a)—when shipped, the label statements, "Less Calories" and "No Oils or Sugar Used In Processing" represented and suggested that the caloric content of the article was significantly different from roasted peanuts generally, and that the article was of unusual value for weight reduction, which statements were false and misleading since they were contrary to fact.

DISPOSITION: On 3-23-62, Standard Brands, Inc., filed a claim to the article as owner, and, thereafter, an answer denying that the article was misbranded. Subsequently, the Government served written interrogatories upon the claimant. On 10-10-62, a consent decree of condemnation was entered, the claimant having consented to the entry of a decree without any adjudication as to any issue of fact or law, and the claimant having represented to the court that the

article was fit for human consumption, that the article was not then being marketed by the claimant with the labeling which was challenged in the libel, that such labeling was no longer used by the claimant, and that the claimant believed no useful purpose would be served by contesting the charges of the libel. The article was delivered to a charitable institution.

OILS AND FATS

28594. Edible oil. (F.D.C. No. 42875. S. Nos. 57-933/4 P.)

QUANTITY: 9 cases, each containing 6 1-gal. cans, at New York, N.Y.

SHIPPED: Prior to 10-22-58, from Reggio Calabria, Italy, by Raffineria Bruzia.

LABEL IN PART: (Can) "Product of Greece HERMES * * * Pure Imported Olive Oil * * * Imported-packed-distributed by Standard Importing Co., Inc., New York, N.Y." and "Nicholas Lekas Corp. Imported 100% Pure Olive Oil * * * Nicholas Lekas Corp. packers and distributors, New York, N.Y. Athens, Greece."

RESULTS OF INVESTIGATION: Examination showed that the article was tea seed oil containing little or no olive oil. The article was prepared from a product in bulk drums represented as refined olive oil which was shipped as described above.

LIBELED: 3-19-59, S. Dist. N.Y.

CHARGE: 402(b)(2)—tea seed oil had been substituted wholly or in part for olive oil when shipped.

DISPOSITION: 5-22-59. Default—destruction.

VITAMIN, MINERAL, AND OTHER PRODUCTS OF SPECIAL DIETARY SIGNIFICANCE

28595. Vitamin-Mineral capsules. (F.D.C. No. 43456. S. No. 55-962 P.)

QUANTITY: 808 unlabeled btls., in cases of 12 btls. each, at Kansas City, Mo.

SHIPPED: 9-27-58, from Long Island City, N.Y.

LABEL IN PART: (Case) "100 capsules Lot No. 38495 Vitamin-Mineral Capsules Each Capsule contains:—4.0 Mgm. Vitamin B₁—2 Mcgm. Vitamin B₁₂."

RESULTS OF INVESTIGATION: Analysis showed that the article contained approximately 75 percent of the declared amount of vitamin B₁ and approximately 57 percent of vitamin B₁₂.

LIBELED: On or about 9-28-59, W. Dist. Mo.

CHARGE: 402(b)(1)—while held for sale, the valuable constituents, vitamin B₁ and Vitamin B₁₂, had been in part omitted or abstracted from the article; 403(a)—the label statement "Each Capsule contains—4.0 Mgm. Vitamin B₁—2 Mcgm. Vitamin B₁₂" was false and misleading.

DISPOSITION: 1-12-60. Consent—claimed by NYSCO Laboratories, Inc., Long Island City, N.Y., and relabeled.

28596. Cellepacbin-Regular (dietary supplement). (F.D.C. No. 47955. S. No. 62-407 T.)

QUANTITY: 31 btls. at Stamford, Conn.

SHIPPED: 4-18-62, from Mount Vernon, N.Y., by Arthrins, Inc.

LABEL IN PART: (Btl.) "Contents 180 Capsules Cellepacbin-Regular A Dietary Supplement * * * 6 Capsules Contain: * * * Folic Acid * * * .4 mg. * * *