

7177. Adulteration of walnuts in shell. U. S. v. 15 Bags of Walnuts. Default decree of condemnation and destruction. (F. D. C. No. 13421. Sample No. 75862-F.)

LABEL FILED: August 24, 1944, Western District of New York.

ALLEGED SHIPMENT: On or about November 30, 1943, by California Walnut Growers Association, from Los Angeles, Calif.

PRODUCT: 15 100-pound bags of walnuts at Buffalo, N. Y.

LABEL, IN PART: "Diamond Brand Walnuts."

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.

DISPOSITION: September 26, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

OILS AND FATS

7178. Adulteration and misbranding of oil. U. S. v. Henry Plumer (Chandu Coffee Co.). Plea of guilty. Sentence suspended and defendant placed on probation for 1 day. (F. D. C. No. 7222. Sample Nos. 74390-E, 74391-E.)

INFORMATION FILED: June 8, 1944, Southern District of New York, against Henry Plumer, trading as Chandu Coffee Co., Brooklyn, N. Y.

ALLEGED SHIPMENT: On or about August 23, 1941, from the State of New York into the State of New Jersey.

LABEL, IN PART: (Front panel) "Fine Edible Oil P. Enrico Brand."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (2), inferiority had been concealed by the addition of artificial flavoring and coloring; and, Section 402 (b) (4), artificial coloring and flavoring had been added to the article so as to make it appear better and of greater value than it was.

Misbranding, Section 403 (c), the article 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; Section 403 (e) (1), the article was in package form and did not bear a label containing the name and place of business of the manufacturer, packer, or distributor; Section 403 (k), it contained artificial flavoring and coloring and did not bear labeling stating that fact; and, Section 403 (f), the information required by law to appear on the labeling was not placed thereon in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use, since the can label bore representations in the Italian language, including the statement, "Quest Olio E Specialmente Preparato Per Il Gusto Italiano," and the English equivalent, "This Oil is Specially Prepared for the Italian Trade," and by reason of the representations, the food purported to be prepared especially for the Italian purchaser, whereas the information required by law to appear on the labeling did not appear thereon in the Italian language.

DISPOSITION: June 28, 1944. A plea of guilty was entered; sentence was suspended and the defendant was placed on probation for 1 day.

7179. Adulteration and misbranding of oil. U. S. v. Salvatore Francese, Rocco Palmieri, and Frank Saviano (Domestic Oil Co.). Pleas of guilty. Each defendant fined \$25. (F. D. C. No. 7223. Sample Nos. 51625-E, 51626-E.)

INFORMATION FILED: On July 14, 1944, in the Southern District of New York, against Salvatore Francese, Rocco Palmieri, and Frank Saviano, trading as Domestic Oil Co., New York, N. Y.

ALLEGED SHIPMENT: On or about July 17, 1941, from the State of New York into the State of Rhode Island.

LABEL, IN PART: "Pulcella Brand Olio Finissimo * * * Corn Oil With Color and Flavor Added," or "Extra Fine Oil Gioiosa Brand Pure Oil."

VIOLATIONS CHARGED: Adulteration (Pulcella Brand), Section 402 (b) (2), a substance consisting essentially of cottonseed oil, artificially colored and artificially flavored to simulate olive oil, had been substituted in whole or in part for corn oil with color and flavor added.

Misbranding (Pulcella Brand), Section 403 (a), the statement, "Corn Oil With Color and Flavor Added," was false and misleading; and, Section 403 (b), the article was offered for sale under the name of another food.

Misbranding (Gioiosa Brand), Section 403 (a), the statements, "Pure Oil" and "We guarantee this oil to be absolutely pure under chemical analysis," were

false and misleading as applied to an oil to which had been added artificial color and artificial flavor.

Misbranding (both brands), Section 403 (c), the product was artificially colored and artificially flavored in imitation of 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, olive oil.

DISPOSITION: September 22, 1944. Pleas of guilty having been entered, each defendant was fined \$25.

7180. Adulteration and misbranding of olive oil. U. S. v. 80 Cartons of Olive Oil. Consent decree of condemnation. Product ordered released under bond for relabeling. (F. D. C. No. 13910. Sample No. 79111-F.)

LIBEL FILED: On or about October 17, 1944, Northern District of Illinois.

ALLEGED SHIPMENT: On or about July 14, 1944, by Frank Scappatura, from Oakland, Calif.

PRODUCT: 80 cartons, each containing 1 5-gallon can, of olive oil at Chicago, Ill.

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (2), an oil other than olive oil had been substituted in whole or in part for olive oil.

Misbranding, Section 403 (a), the label statement "Olive Oil" was false and misleading as applied to an article consisting essentially of an oil other than olive oil.

DISPOSITION: November 15, 1944. V. Formusa Co., Chicago, Ill., claimant, having admitted the facts in the libel, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Food and Drug Administration.

7181. Adulteration and misbranding of peanut oil. U. S. v. 31 Cases of Peanut Oil (and 1 other seizure action against peanut oil). Decrees of condemnation. Portion ordered released under bond to be relabeled; remainder ordered destroyed. (F. D. C. Nos. 11606, 13017. Sample Nos. 60408-F, 71933-F, 71934-F.)

LIBELS FILED: January 10 and August 9, 1944, Northern District of California and Western District of Washington.

ALLEGED SHIPMENT: On or about November 8 and 11, 1943, by Agash Refining Corporation, from Brooklyn, N. Y.

PRODUCT: 31 cases, each containing 24 1-pint bottles, of peanut oil at San Francisco, Calif., and 302 cases, each containing 24 pint bottles, and 155 cases, each containing 12 quart bottles, of peanut oil, at Seattle, Wash.

LABEL, IN PART: (Bottles) "Royal Cook Brand * * * Peanut Oil."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (2), a mixture of peanut and cottonseed oils had been substituted in whole or in part for peanut oil, which the article purported to be.

Misbranding, Section 403 (a), the statement "Peanut Oil" was false and misleading as applied to the article; Section 403 (b), the product was offered for sale under the name of another food; and, Section 403 (i) (2), it was fabricated from two or more ingredients and its label failed to bear the common or usual name of each such ingredient.

DISPOSITION: May 20 and October 14, 1944. The Agash Refining Corporation and Italian Cook Oil Corporation, its successor, claimant for the Seattle lot, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration. No claimant having appeared for the San Francisco lot, judgment of condemnation was entered and the product was ordered destroyed. Destruction was effected by delivering the article to a local charitable institution.

SPICES, FLAVORS, AND SEASONING MATERIALS

7182. Adulteration and misbranding of ground cinnamon. U. S. v. 34 Cartons of Cinnamon. Default decree of condemnation. Product ordered delivered to a charitable institution. (F. D. C. No. 12687. Sample No. 80035-F.)

LIBEL FILED: June 14, 1944, Eastern District of Missouri. Amended libel filed July 8, 1944.

ALLEGED SHIPMENT: On or about April 12, 1944, by LaSalle Mfg. Co., from Chicago, Ill.