

8073. Adulteration of pecan pieces. U. S. v. 12 Cases of Pecan Pieces. Default decree of condemnation and destruction. (F. D. C. No. 12360. Sample No. 35969-F.)

LIBEL FILED: On or about May 12, 1944, Northern District of Georgia.

ALLEGED SHIPMENT: On or about April 25, 1944, by the Southern Edible Products Co., from Chicago, Ill., to Atlanta, Ga. The shipment was originally consigned by that company from Albany, Ga., to Chicago, Ill.

PRODUCT: 12 cases, each containing 50 pounds, of pecan pieces, at Atlanta, Ga.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of filthy and decomposed substances by reason of the presence of rancid and moldy pecans, and in that it contained *Escherichia coli*, an organism which indicates pollution of fecal origin.

DISPOSITION: April 27, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

OILS AND FATS

8074. Adulteration and misbranding of mayonnaise. U. S. v. Raymond E. Camp (Camp Sandwich Co.). Plea of nolo contendere. Fine, \$75. (F. D. C. No. 14233. Sample No. 63408-F.)

INFORMATION FILED: January 9, 1945, Western District of South Carolina, against Raymond E. Camp, trading as the Camp Sandwich Co., Gaffney, S. C.

ALLEGED SHIPMENT: On or about February 8, 1944, from the State of South Carolina into the State of North Carolina.

PRODUCT: This product was invoiced as "Mayonnaise."

LABEL, IN PART: "Dutch Maid Lunch Room Special * * * Packed For F. H. Seelye—Broker Charlotte, N. C."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (2), a substance containing little or no edible food oil, and consisting largely of nonnutritive mineral oil, had been substituted in whole or in part for mayonnaise, a product that contains a large amount of food oil or oils and does not contain nonnutritive mineral oil, and which the article purported and was represented to be.

Misbranding, Section 403 (b), the article contained little or no edible food oil or oils and consisted largely of nonnutritive mineral oil, and it was offered for sale under the name of another food, mayonnaise.

DISPOSITION: February 19, 1945. A plea of nolo contendere having been entered by the defendant, the court imposed a fine of \$75.

8075. Adulteration and misbranding of edible oils. U. S. v. Antonio Certo (Keystone Grocery Distributing Co.). Plea of nolo contendere. Fine, \$300 and costs. (F. D. C. No. 14218. Sample Nos. 50357-F, 50358-F, 50377-F.)

INFORMATION FILED: January 3, 1945, Western District of Pennsylvania, against Antonio Certo, trading as the Keystone Grocery Distributing Co., at Pittsburgh, Pa.

ALLEGED SHIPMENT: Between the approximate dates of October 4, 1943, and March 15, 1944, from the State of Pennsylvania into the States of Ohio and West Virginia.

LABEL, IN PART: "Fortebraccio * * * Brand 80% Cottonseed And Corn Oils 20% Pure Olive Oil."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (1), a valuable constituent, olive oil, had been in part omitted from the article; and, Section 402 (b) (2), a product consisting essentially of cottonseed oil and corn oil, and containing little or no olive oil, had been substituted for 80 percent cottonseed and corn oils and 20 percent pure olive oil, which the product was represented to be.

Misbranding, Section 403 (a), the label statement, "80% Cottonseed And Corn Oils 20% Pure Olive Oil," was false and misleading; Section 403 (f), the information required by law to appear on the label was not prominently 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 label of the product contained representations in the Italian language and all of the information required by law to appear on the label did

not appear thereon in the Italian language; and (portion), Section 403 (k), it contained artificial flavoring and failed to bear labeling stating that fact.
DISPOSITION: June 14, 1945. A plea of nolo contendere having been entered by the defendant, a fine of \$50 on each of 6 counts, a total fine of \$300 plus costs, was imposed.

8076. Adulteration and misbranding of edible oil. U. S. v. 11 Cans of Oil. Default decree of condemnation. Product ordered delivered to charitable institutions. (F. D. C. No. 13841. Sample No. 82771-F.)

LIBEL FILED: October 2, 1944, Southern District of New York.

ALLEGED SHIPMENT: On or about August 23, 1944, by the Lucatelli Packing Co., West New York, N. J.

PRODUCT: 11 1-gallon cans of oil at New York, N. Y.

LABEL, IN PART: (Cans) "One Gallon Net Imported Produce Lucatelli Superfine Olive Oil."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (2), a substance containing about 30 percent of peanut oil had been substituted in whole or in part for olive oil, which the article was represented to be.

Misbranding, Section 403 (a), the designs of gold medals and of olive branches, and the label statements, "Imported Produce * * * Superfine Olive Oil Guaranteed 100% Pure" and "Extra Sublime This can contains the cream of imported virgin olive oil guaranteed to be chemically pure—It excels for table cooking and medicinal use," (and similar statements in Italian) were false and misleading as applied to an article containing about 30 percent of peanut oil.

DISPOSITION: March 3, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to charitable institutions, after withdrawal of one of the cans of oil by the Food and Drug Administration.

8077. Misbranding of edible oil. U. S. v. 231 Cases and 28 Cases of Oil. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 12147. Sample Nos. 51890-F, 51891-F.)

LIBEL FILED: April 17, 1944, District of Rhode Island; amendment to libel filed January 10, 1945.

ALLEGED SHIPMENT: Between the approximate dates of December 9, 1943, and February 10, 1944, by the Gem Packing Corporation, from Brooklyn, N. Y.

PRODUCT: 231 cases, each containing 6 1-gallon cans, of oil and 28 cases, each containing 12 ½-gallon cans, of oil at Georgiaville, R. I. Analysis showed that the product contained little or no peanut or olive oil.

LABEL, IN PART: "Gem Brand Choice Cottonseed, Corn, Peanut Oils and Extra Fine Olive Oil."

VIOLATIONS CHARGED: Misbranding, Section 403 (a), the label statements, "Choice Cottonseed, Corn, Peanut Oils and Extra Fine Olive Oil," were misleading in that they created in the mind of the purchaser the impression and belief that the article contained a substantial quantity of olive oil and peanut oil, whereas the article contained little or no olive oil and little or no peanut oil; and, Section 403 (f), the label contained representations in a foreign language, Italian, and the statement of the quantity of the contents and the common or usual name of each ingredient, required by law to appear on the label, did not appear thereon in the foreign language.

DISPOSITION: March 17, 1945. The Gem Packing Corporation, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond, conditioned that an additional amount of peanut oil and olive oil be added and that the product be repackaged and relabeled under the supervision of the Food and Drug Administration.

8078. Adulteration and misbranding of salad dressing. U. S. v. Henry T. Morin (Green Garden Food Products). Plea of guilty. Fine, \$150 and costs. (F. D. C. No. 14212. Sample No. 43160-F.)

INFORMATION FILED: March 21, 1945, Western District of Washington, against Henry T. Morin, trading as the Green Garden Food Products, Seattle, Wash.

ALLEGED SHIPMENT: On or about August 31, 1943, from the State of Washington into the State of Oregon, of a number of tubs containing a product invoiced as "Salad Dressing."