CHARGE: 402(a)(3)—contained insect-damaged nuts and moldy nuts while held for sale.

DISPOSITION: 1-21-59. Consent—claimed by S. & W. Fine Foods, Inc., San Francisco, Calif. Segregated; 76 lbs. destroyed.

25831. Unshelled mixed nuts and unshelled brazil nuts. (F.D.C. No. 42571. S. Nos. 16-759/60 P.)

QUANTITY: 66 cases, 24 1-lb. boxes each, of unshelled mixed nuts, and 52 cases, 24 1-lb. boxes each, of unshelled brazil nuts, at Knoxville, Tenn.

SHIPPED: 11-7-58 and 11-14-58, from Chicago, Ill., and New York, N.Y.

LIBELED: 12-15-58, E. Dist. Tenn.

CHARGE: 402(a)(3)—contained decomposed brazil nuts while held for sale.

DISPOSITION: 1-29-59 and 3-6-59. Consent—claimed by Robert L. Berner Co., Chicago, Ill. Segregated; 185 lbs. destroyed.

OILS AND FATS*

25832. Table and cooking oil. (F.D.C. No. 42829. S. Nos. 10-548/50 P.)

QUANTITY: 146 cases, 6 1-gal. cans each, at Braddock, Pa., in possession of Cuda Co.

SHIPPED: The corn oil ingredient of the article was shipped from Decatur, Ill., prior to 10-18-58, and the cottonseed oil ingredient of the article was shipped from Louisville, Ky., on 10-9-58.

LABEL IN PART: (Can) "Romolo Brand Superfine Olive Oil Imported from Italy * * * Packed * * * for John Cuda, Inc., Pittsburgh, Pa.," "San Marto Brand Quality Oil 75% Peanut, Corn and Cotton Seed Oil 25% Pure Olive Oil Packed by The Cuda Co., Pittsburgh, Pa.," and "Italy Brand Oil * * * 80% Peanut, Corn & Cottonseed Oil 20% Imported Olive Oil Harmless color and Flavor added Packed and distributed by The Cuda Co., Pittsburgh, Pa."

RESULTS OF INVESTIGATION: Examination showed that the article consisted essentially of (Romolo brand and Italy brand) corn oil and (San Marto brand) cottonseed oil with little or no olive oil.

The article was manufactured by Cuda Co., from corn oil and cottonseed oil shipped as described above.

LIBELED: 2-13-59, W. Dist. Pa.

CHARGE: 403(a)—while held for sale, the label statements "Olive Oil" (Romolo brand) and "20% Imported Olive Oil" (Italy brand) were false and misleading as applied to a product containing corn oil with little or no olive oil; and the label statement "25% Pure Olive Oil" (San Marto brand) was false and misleading as applied to a product containing cottonseed oil with little or no olive oil;

403(k)—the labeling failed to bear a statement that the article (all lots) contained artificial flavoring; and

403(i)(2)—the label of the article (Romolo brand) failed to bear the common or usual name of each ingredient since the presence of corn oil was not declared.

DISPOSITION: 6-15-59. Consent—claimed by Ernest Cuda, Allegheny County, Pa., and relabeled.

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*See also No. 25755.