NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy and decomposed substance by reason of the presence of insect-damaged and moldy walnut meats.

DISPOSITION: December 7, 1945. The L. DeMartini Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for the separation of the fit from the unfit portion, under the supervision of the Federal Security Agency, and the disposition of both portions in compliance with the law.

10676. Adulteration of Cream of Nuts. U. S. v. 25, 15, and 8 Cases * * *. (F. D. C. No. 18277. Sample Nos. 13650–H to 13652–H, incl.)

LIBEL FILED: November 8, 1945, Eastern District of Tennessee.

ALLEGED SHIPMENT: On or about July 10, 1945, by the Hoover Food Products Corporation, from Chicago, Ill.

PRODUCT: 48 cases of Cream of Nuts at Knoxville, Tenn. The product was labeled to indicate that it contained appreciable amounts of peanuts, almonds, or black walnuts, whereas it consisted chiefly of water, with small amounts of ground nuts or other fatty substance, sugar, and starch.

LABEL, IN PART: "Cream of Nuts Homogenized Peanut [or "Almond," or "Black Walnut"] Contents 10½ Ozs. Nunut Foods, Inc. Plainwell, Michigan."

NATURE OF CHARGE: Adulteration in violation of Section 402.

DISPOSITION: On January 5, 1946, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed. On April 19, 1946, the decree was amended to permit the Fat Salvage Unit, War Production Board, to take possession of the goods if it so desired, in order to salvage the fat.

OILS AND FATS

10677. Adulteration and misbranding of edible oil. U. S. v. Caruso Products Distributing Corporation. Plea of guilty. Fine, $400. (F. D. C. No. 15563. Sample Nos. 82315–F, 94202–F, 94203–F.)

INFORMATION FILED: August 3, 1945, District of New Jersey, against the Caruso Products Distributing Corporation, Newark, N. J.

ALLEGED SHIPMENT: On or about June 20 and October 2, 1944, from the State of New Jersey into the State of New York.

LABEL, IN PART: (Cans) "Sublime Product Extra Fine Oil Signora Brand Pure Oil Corn and Olive Oil One Gallon Net * * * Packed for J. Guarino, Newark, N. J."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), an oil of the nature of soybean oil, with some peanut oil present, in 1 lot, and an artificially flavored mixture of corn and cottonseed oil in the other lot, with little or no olive oil present in either lot, had been substituted in whole or in part for corn and olive oil.

Misbranding, Section 403 (a), the label statement "Corn and Olive Oil" was false and misleading since it represented and implied that the product consisted of a mixture of corn oil and olive oil, and that olive oil was present in a substantial amount, whereas a portion of the product consisted essentially of a mixture of an oil of the nature of soybean oil, with some peanut oil present, and the other portion of the product consisted essentially of an artificially flavored mixture of corn oil and cottonseed oil, and the mixtures contained little, if any, olive oil. Further misbranding, Section 403 (i) (2), the product was fabricated from 2 or more ingredients and its label failed to bear the common or usual name of each ingredient; Section 403 (e) (2), a portion of the product failed to bear a label containing an accurate statement of the quantity of the contents since the containers were labeled "One Gallon Net" and contained less than one gallon; and, Section 403 (k), a portion of the product contained artificial flavoring and failed to bear labeling stating that fact.

DISPOSITION: March 8, 1946. A plea of guilty having been entered, the defendant was fined $100 on each of the 4 counts of the information.

10678. Adulteration and misbranding of edible oil. U. S. v. 27 and 27 Cans * * *. (F. D. C. No. 17563. Sample Nos. 7305–H, 7306–H, 7341–H, 7342–H.)

LIBEL FILED: September 17, 1945, District of New Jersey.