

**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.)

**LABEL 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.)

**LABEL FILED:** September 17, 1945, District of New Jersey.

**ALLEGED SHIPMENT:** On or about July 30, 1945, by Antonio Corrao, from Brooklyn, N. Y.

**PRODUCT:** 54 cans of edible oil at Newark, N. J. The "Figlia Mia Brand" oil consisted essentially of cottonseed oil with some corn oil and contained little or no sunflower oil, peanut oil, or olive oil. The "Pace O Mio Dio Brand" consisted essentially of peanut oil and contained little or no olive oil. Both products were short-volume.

**LABEL, IN PART:** "Net Contents One Gallon Figlia Mia Brand \* \* \* Cottonseed, Sunflower, Corn, Peanut Oils, and Olive Oil. Packed By Universal Salad Oil Co. Brooklyn, N. Y.," or "One Gallon Net Pace O Mio Dio Brand Societa Italiana Commerciale Brooklyn, N. Y. Peanut Oil and Pure Olive Oil."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (2), cottonseed oil with some corn oil, in the "Figlia Mia Brand," and peanut oil, in the "Pace O Mio Dio Brand," had been substituted in whole or in part for articles of the composition declared on the labels.

Misbranding ("Figlia Mia Brand"), Section 403 (a), the name "Figlia Mia" coupled with a design on the label and the label statements "Guaranteed to Satisfy Italian Taste" and "The oil contained in this can is composed of choice domestic and olive oils" were misleading since they created the impression that the product, or a substantial proportion of it, consisted of olive oil; and, further, the label statement "Composed of Cottonseed, Sunflower, Corn, Peanut Oils, and Olive Oil" was false and misleading.

Further misbranding ("Pace O Mio Dio Brand"), Section 403 (a), the designs of an olive branch with olives and a peanut bush with peanuts on the main panel wherein the olives and the peanuts had approximately equal conspicuousness were misleading in that they implied that peanut oil and olive oil were present in approximately equal proportions, and the label statements, "A Specialty! Guarantees excellent results in the Italian kitchen" and "Grade A Product," were misleading since they implied that the product was olive oil or contained a very substantial proportion of olive oil, which is the traditional oil used in Italian cookery; and, Section 403 (e) (2), (both brands) the products failed to bear labels containing an accurate statement of the quantity of the contents.

**DISPOSITION:** June 4, 1946. No claimant having appeared, judgment of condemnation was entered and the products were ordered delivered to a charitable institution, conditioned that the labels be destroyed under the supervision of the Food and Drug Administration.

**10679. Adulteration and misbranding of salad oil. U. S. v. 10 and 5 Cartons \* \* \* (and 13 other seizure actions).** (F. D. C. Nos. 18326, 18334 to 18343, incl., 18375, 18376, 18380. Sample Nos. 12066-H to 12074-H, incl., 12503-H, 12504-H, 12508-H to 12511-H, incl., 32971-H.)

**LABELS FILED:** Between November 8 and 15, 1945, Districts of Maine, New Hampshire, and Rhode Island.

**ALLEGED SHIPMENT:** Between the approximate dates of September 7 and October 10, 1945, by the Mercantile Food Products Co., from Boston and Cambridge, Mass.

**PRODUCT:** 268 cases, each containing a number of 1-gallon, 1-quart, or 1-pint bottles, of Saladola Salad Oil, in various quantities, at Portland and Lewiston, Maine, Providence, R. I., and Nashua, N. H.

**LABEL, IN PART:** "Saladola Non-Fattening Salad Oil \* \* \* Especially Refined Mineral Oil—Color Added."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (2), artificially colored non-nutritive mineral oil had been substituted in whole or in part for "Salad Oil"; and, Section 402 (b) (4), artificial color had been added to mineral oil so as to make it appear to be salad oil, which is better and of greater value than the article.

Misbranding, Section 403 (a), the statement on the bottle label, "Saladola \* \* \* Salad Oil," and the statement on the poster enclosed in each case, "Saladola No Points Salad Oil," were false and misleading as applied to artificially colored mineral oil, a nonnutritive substance, since salad oil is a nutritive oil.