

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product was unfit for human consumption by reason of its strong and objectionable odor and taste of smoke.

DISPOSITION: June 10, 1949. Default decree of condemnation and destruction.

15146. Adulteration of shelled pecans. U. S. v. 3 Cases * * *. (F. D. C. No. 27112. Sample No. 19372-K.)

LIBEL FILED: May 5, 1949, Northern District of Ohio.

ALLEGED SHIPMENT: On or about February 23, 1949, by the Orangeburg Pecan Co., from Orangeburg, S. C.

PRODUCT: 3 cases, each containing 30 pounds, of shelled pecans at Massillon, Ohio.

LABEL, IN PART: "Standard Cleaned Granules Thad Huckabee, 619 Roosevelt Ave., Albany, Georgia."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of *E. coli*, and it was otherwise unfit for food by reason of its disagreeable taste.

DISPOSITION: July 15, 1949. Default decree of condemnation and destruction.

15147. Adulteration of pinon nuts. U. S. v. 13 Bags * * *. (F. D. C. No. 27133. Sample No. 29766-K.)

LIBEL FILED: May 11, 1949, District of Colorado.

ALLEGED SHIPMENT: On or about October 27, 1948, by K & S Traders, Inc., from Gallup, N. Mex.

PRODUCT: 13 100-pound bags of pinon nuts in the shell at Trinidad, Colo.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rabbit or squirrel excreta and stones.

DISPOSITION: June 10, 1949. The Azar Wholesale Grocery Co., Trinidad, Colo., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for recleaning under the supervision of the Federal Security Agency. The recleaning of the product was satisfactorily completed on June 21, 1949.

OILS AND FATS

15148. Adulteration and misbranding of oil. U. S. v. 19 Cans * * *. (F. D. C. No. 27449. Sample No. 46716-K.)

LIBEL FILED: June 30, 1949, Northern District of Ohio.

ALLEGED SHIPMENT: On or about May 3, 1949, by Pennsylvania Macaroni Co., Inc., from Pittsburgh, Pa.

PRODUCT: 19 1-gallon cans of oil at Youngstown, Ohio.

LABEL, IN PART: "Fortebraccio Brand A Pure Blend of 80% Cotton Seed and Corn Oil 20% Olive Oil."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, olive oil, had been in part omitted from the article.

Misbranding, Section 403 (a), the label statement "20% Olive Oil" was false and misleading as applied to the article, which contained less than 8 percent olive oil.

DISPOSITION: October 13, 1949. The Pennsylvania Macaroni Co., Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Federal Security Agency.

15149. Adulteration and misbranding of salad oil. U. S. v. 14 Cases * * *
(F. D. C. No. 27327. Sample No. 5264-K.)

LIBEL FILED: June 15, 1949, District of Maine.

ALLEGED SHIPMENT: On or about April 18, 1949, by the A. Accardi Co., from Boston, Mass.

PRODUCT: 14 cases, each containing 6 1-gallon cans, of salad oil at Lewiston, Maine.

LABEL, IN PART: "One Gallon La Regina Brand High Grade Family Oil
This can contains 95% high grade vegetable Oil and 5% imported olive oil."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, olive oil, had been in whole or in part omitted, and, Section 402 (b) (4), artificial color and flavor had been added to the article and mixed and packed with it so as to make it appear better or of greater value than it was.

Misbranding, Section 403 (a), the label statement "This can contains * * * 5% imported olive oil" was false and misleading since the product contained little or no olive oil; Section 403 (e) (2), the product was in package form and failed to bear a label containing an accurate statement of the quantity of the contents (the cans contained less than the declared volume, "One Gallon"); and, Section 403 (k), the product contained artificial flavor and color and failed to bear a label stating that fact.

DISPOSITION: July 29, 1949. The A. Accardi Co., claimant, having consented to the entry of a decree, 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.

15150. Misbranding of peanut oil. U. S. v 420 Cartons * * *
(F. D. C. No. 27027. Sample No. 10865-K.)

LIBEL FILED: April 19, 1949, Eastern District of New York.

ALLEGED SHIPMENT: On or about March 31, 1949, by the Planters Edible Oil Co., from Suffolk, Va.

PRODUCT: 420 cartons, each containing 6 1-gallon cans, of peanut oil at Brooklyn, N. Y.

LABEL, IN PART: "Planters Hi-Hat 100% Pure Peanut Oil."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the product was in package form, and it failed to bear a label containing an accurate statement of the quantity of the contents. (Examination showed that the cans were short-volume.)

DISPOSITION: May 27, 1949. The Planters Edible Oil Co., claimant, having admitted the allegation of the libel, judgment of condemnation was entered and the product was ordered released under bond to be repacked in 50-gallon drums and correctly labeled under the supervision of the Food and Drug Administration.