

VIOLATION CHARGED: On or about April 16, 1948, the defendants shipped and caused to be shipped from the State of New York into the State of Connecticut, a quantity of edible oil. In addition, the Loumen Drug Co. was charged with having delivered to the Bella Donna Packing Co., between the approximate dates of July 1947 and April 16, 1948, a substance known as "squalene," for the purpose of aiding, abetting counseling, inducing, and procuring the interstate shipment of the adulterated and misbranded oil.

LABEL, IN PART: "Rinaldi Brand 80% Peanut Oil — 20% Pure Olive Oil Packed By Bella Donna Packing Co. Brooklyn, N. Y."

NATURE OF CHARGE: Count 1. Adulteration, Section 402 (b) (1), olive oil, a valuable constituent, had been in whole or in part omitted from the product; and, Section 402 (b) (4), artificial flavor and squalene had been added to the product and mixed and packed with it so as to make it appear to be better and of greater value, namely, a product containing more olive oil than was actually present.

Count 2. Misbranding, Section 403 (a), the label statements "80% Peanut Oil — 20% Pure Olive Oil" were false and misleading since the product did not contain 20 percent of pure olive oil; and, Section 403 (k), the product contained an artificial flavoring and did not bear labeling stating that fact.

DISPOSITION: June 2, 1950. Pleas of guilty having been entered by Frank Rinaldi and Anthony F. Rinaldi to counts 1 and 2 of the indictment, the court sentenced each defendant to 1 year in jail on each count, with the sentences to run concurrently; however, the sentences were suspended, and the defendants were placed on probation. A plea of guilty having been entered on behalf of the Loumen Drug Co. to count 2 of the indictment, the court fined the corporation \$1,000.

16746. Adulteration and misbranding of oil. U. S. v. Santuzza Oil Co., Inc., and Loumen Drug Co. Pleas of guilty. Santuzza Oil Co., Inc., fined \$12,000. Loumen Drug Co. fined \$1,000. (F. D. C. No. 26792. Sample Nos. 2723-K, 2724-K, 4890-K, 6124-K, 8141-K, 8190-K, 9377-K, 12429-K, 12445-K, 12858-K, 45701-K, 45703-K.)

INDICTMENT RETURNED: March 29, 1949, Eastern District of New York, against Santuzza Oil Co., Inc., and the Loumen Drug Co., also a corporation, Brooklyn, N. Y.

VIOLATION CHARGED: Between the approximate dates of March 9, 1948, and August 31, 1948, the defendants shipped and caused to be shipped from the State of New York into the District of Columbia and the States of Ohio, Connecticut, New Jersey, Massachusetts, Pennsylvania, and Missouri, quantities of edible oil. In addition, the Loumen Drug Co. was charged with having delivered to the Santuzza Oil Co., Inc., between the approximate dates of July 1947 and June 8, 1948, a substance known as "squalene," for the purpose of aiding, abetting, counseling, inducing, and procuring the interstate shipment of the adulterated and misbranded oil.

LABEL, IN PART: "Santuzza Brand A Blend Of 80% Corn And Peanut Oil 20% Pure Olive Oil" and "America's Finest Brand Oil Of Delicious Flavor A Blend Of 90% Peanut Oil And 10% Pure Olive Oil."

NATURE OF CHARGE: Count 1. Adulteration, Section 402 (b) (1), olive oil, a valuable constituent, had been in whole or in part omitted from the product; and, Section 402 (b) (4), artificial flavor and squalene had been added to the product and mixed and packed with it so as to make it appear to be better

and of greater value, namely, a product containing more olive oil than was actually present.

Counts 2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22, and 24. Misbranding, Section 403 (a), the label statements "A Blend Of 80% Corn And Peanut Oil 20% Pure Olive Oil" and "A Blend Of 90% Peanut Oil And 10% Pure Olive Oil" were false and misleading since the product did not contain, respectively, 20 percent and 10 percent of pure olive oil; and, Section 403 (k), the product contained an artificial flavoring and did not bear labeling stating that fact.

DISPOSITION: June 2, 1950. Pleas of guilty having been entered on behalf of the Santuzza Oil Co., Inc., as to counts 2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22, and 24, and the Loumen Drug Co. as to count 1, the court fined the former \$12,000 and the latter \$1,000.

16747. Adulteration and misbranding of oil. U. S. v. Keystone Grocery Distributing Co. of Pittsburgh, Inc., and Antonio Certo. Pleas of guilty. Antonio Certo fined \$100, plus costs; charges against corporation nolle. (F. D. C. No. 25287. Sample Nos. 18215-K, 19211-K, 19212-K.)

INDICTMENT RETURNED: September 23, 1948, Western District of Pennsylvania, against Keystone Grocery Distributing Co. of Pittsburgh, Inc., Pittsburgh, Pa., and Antonio Certo, president.

ALLEGED SHIPMENT: On or about October 20 and 22, 1947, from the State of Pennsylvania into the State of Ohio.

LABEL, IN PART: "One Gallon Fortebraccio Brand A Pure Blend of 80% Cotton Seed Oil, Corn Oil and 20% Olive Oil. Keystone Grocery Distributing Co. of Pittsburgh, Inc. Pittsburgh, Pa." and "Fortebraccio Brand E' Prodotto Dalla Migliore Qualita' D'Olio. Ed E' Preparato Con Massime Cure E' Specialmente Raccomandato: Per Cucinare Per Le Insalate E Per Frittura."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), an artificially flavored mixture of cottonseed and corn oils containing little, if any, olive oil, had been substituted for 80% of cottonseed and corn oils and 20% of olive oil, which the product was represented to be; and, Section 402 (b) (4), artificial flavor had been added to the product and mixed and packed with it so as to make it appear to be a product containing a substantial amount of olive oil, which is better and of greater value than the product.

Misbranding, Section 403 (a), the label statement "A Pure Blend of 80% Cotton Seed Oil, Corn Oil and 20% Olive Oil" was false and misleading; and, Section 403 (f), the information required by law to appear on the label, namely, the statement of the quantity of the contents and the common or usual name of each ingredient of the product, were 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 product was intended for sale to, and consumption by, persons of Italian descent by reason of representations on the label in the Italian language; and the statement of the quantity of the contents and the common or usual name of each ingredient of the product were not set forth on the label in the Italian language.

DISPOSITION: May 31, 1950. A plea of guilty having been entered, Antonio Certo was fined \$100, plus costs. A nolle prosequi was entered on June 6, 1950, for the Keystone Grocery Distributing Co. of Pittsburgh, Inc., since the corporation had been dissolved.