

SHIPPED: 11-17-58 and 11-19-58, from Jersey City, N.J.

LIBELED: 12-15-58, N. Dist. Ga.

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

DISPOSITION: 1-7-59. Consent—claimed by J. F. Braun & Sons, New York, N.Y. Segregated; 328 lbs. destroyed.

25439. Unshelled brazil nuts. (F.D.C. No. 42654. S. No. 13-242 P.)

QUANTITY: 80 cases, 24 1-lb. boxes each, at Appleton, Wis.

SHIPPED: 10-28-58, from Chicago, Ill.

LIBELED: 1-9-59, E. Dist. Wis.

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

DISPOSITION: 1-16-59. Consent—claimed by Robert L. Berner Co., Chicago, Ill. Segregation proved to be unsuccessful, and the article was subsequently destroyed.

25440. Unshelled pecans. (F.D.C. No. 42641. S. No. 38-670 P.)

QUANTITY: 22 60-lb. bags at Memphis, Tenn.

SHIPPED: 11-20-58, from Little Rock, Ark., by R. L. Wisdom.

LIBELED: 12-12-58, W. Dist. Tenn.

CHARGE: 402(a)(3)—contained moldy nuts, shriveled nuts, and empty shells when shipped.

DISPOSITION: 1-16-59. Default—destruction.

25441. Shelled peanuts. (F.D.C. No. 42633. S. No. 22-233 P.)

QUANTITY: 200 bags at Lincoln, Nebr.

SHIPPED: 11-20-58, from Hartford, Ala., by Hartford Peanut Co.

LABEL IN PART: (Tag) "Hartford Peanut Co. R-2 & Pee Wees 120 Lb. Gross."

LIBELED: 12-9-58, Dist. Nebr.

CHARGE: 402(a)(3)—contained insects and rodent excreta; and 402(a)(4)—prepared and packed under insanitary conditions.

DISPOSITION: 1-9-59. Default—delivered to public institutions for use as animal feed.

25442. Unshelled mixed nuts. (F.D.C. No. 42648. S. No. 27-621 P.)

QUANTITY: 33 cases, 24 1-lb. bags each, at Des Moines, Iowa.

SHIPPED: 11-5-58, from Chicago, Ill.

LIBELED: 12-15-58, S. Dist, Iowa.

CHARGE: 402(a)(3)—contained insects, moldy nuts, shriveled nuts, and empty shells while held for sale.

DISPOSITION: 1-16-59. Consent—claimed by Robert L. Berner Co., Chicago, Ill. Segregated; 380 lbs. destroyed.

25443. Coconut. (F.D.C. No. 42586. S. No. 35-781 P.)

QUANTITY: 10 100-lb. bags at Catasauqua, Pa., in possession of W. J. Smith & Co.

SHIPPED: From the Philippine Islands.

LIBELED: 12-23-58, E. Dist. Pa.

CHARGE: 402(a)(3)—contained insects, rodent urine, and rodent excreta; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: 1-26-59: Default—destruction.

25444. Peanut butter. (F.D.C. No. 42456. S. Nos. 39-387/8 P.)

INFORMATION FILED: 1-27-59, N. Dist. Calif., against Phillips Products Corp., t/a Puritan Preserve Co., San Francisco, Calif., and John S. Phillips, president.

ALLEGED VIOLATION: On 2-11-55, the defendant gave to a firm engaged in the business of shipping foods in interstate commerce, a guaranty to the effect that all food products shipped or delivered by the defendant to the holder of the guaranty would be neither adulterated nor misbranded within the meaning of the Federal Food, Drug, and Cosmetic Act.

On 2-27-58 and 3-3-58, the defendants caused to be delivered to the holder of the guaranty, at San Francisco, Calif., a number of jars of peanut butter which was adulterated.

CHARGE: 402(a)(4)—prepared and packed under insanitary conditions.

PLEA: Nolo contendere—by the corporation to both counts of the information, and by the individual to the count involving the delivery made on 2-27-58.

DISPOSITION: 5-20-59. Corporation—\$500 fine; Individual—probation for 6 months.

OILS AND FATS

25445. Table and cooking oil. (F.D.C. No. 42758. S. No. 47-604 P.)

QUANTITY: 161 cases, 6 1-gal. cans each, 59 cases, 12 ½-gal. cans each, and 12 cases, 24 1-qt. cans each, at Boston, Mass., in possession of East Coast Enterprises, Inc.

SHIPPED: The ingredients of the article were shipped from outside the State of Massachusetts.

LABEL IN PART: "Virginia Brand Fine Oil This can contains High Grade Domestic Vegetable Oil - Pure Olive Oil * * * Distributed by Genoa Packing Co., Cambridge, Mass."

RESULTS OF INVESTIGATION: Examination showed that the article was composed of cottonseed oil with little or no olive oil.

LIBELED: 1-5-59, Dist. Mass.

CHARGE: 402(b)(1)—while held for sale, a valuable constituent, olive oil, had been in part omitted from the article; 403(a)—the label statement "Pure Olive Oil" was false and misleading as applied to a product which contained cottonseed oil with little or no olive oil; and 403(i)(2)—the article was fabricated from two or more ingredients, and its label failed to bear the common or usual name of each such ingredient.

DISPOSITION: 2-9-59. Consent—claimed by East Coast Enterprises, Inc., and relabeled.

25446. Table and cooking oil. (F.D.C. No. 42692. S. No. 17-523 P.)

QUANTITY: 1,500 gals. in bulk at Toledo, Ohio.

SHIPPED: 5-8-58 and 8-9-58, from Fort Worth, Tex.

LIBELED: 2-12-59, N. Dist. Ohio.

CHARGE: 402(a)(2)—while held for sale, the article contained an added poisonous or deleterious substance which is unsafe within the meaning of