

leging that the article had been shipped in interstate commerce on or about May 1, 1941, by Merchants Refrigerating Co. from New York, N. Y.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance.

On October 8, 1941, the Southern Pecan Shelling Co., San Antonio, Tex., claimant, having admitted that the allegations of the libel were true with respect to a portion of the product and having consented to the entry of a decree of condemnation, judgment was entered ordering that the product be released under bond for reconditioning under the supervision of the Food and Drug Administration. The product was reconditioned by the removal of all filth.

**2774. Adulteration of walnut meats. U. S. v. 9 Cartons of Walnut Meats. Default decree of condemnation and destruction.** (F. D. C. No. 3629. Sample No. 38439-E.)

Examination of this product showed the presence of insect-infested, rancid, and moldy nuts.

On January 4, 1941, the United States attorney for the District of Minnesota filed a libel against 9 cartons of walnut meats at St. Paul, Minn., alleging that the article had been shipped in interstate commerce on or about September 26, 1940, by B. & O. Nut Corporation from San Francisco, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a filthy and decomposed substance. The article was labeled in part: "Special Amber Walnut Halves and Pieces."

On March 12, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2775. Adulteration of peanut butter. U. S. v. Sessions Co., Inc. Plea of nolo contendere. Fine, \$100.** (F. D. C. No. 5500. Sample Nos. 29321-E, 29433-E, 35244-E, 35417-E, 35418-E, 35901-E, 37777-E.)

Samples of this product were found to contain rodent hairs, rodent excreta fragments, miscellaneous insect fragments, and larvae.

On March 11, 1942, the United States attorney for the Middle District of Alabama filed an information against Sessions Co., Inc., a corporation at Enterprise, Ala., alleging shipment within the period from on or about October 2 to on or about December 30, 1940, from the State of Alabama into the States of Georgia, Mississippi, Louisiana, and Tennessee, of quantities of peanut butter that was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part: "Goldcraft [or "School Day" or "Armour's Star \* \* \* "] Peanut Butter."

On March 31, 1942, the defendant having entered a plea of nolo contendere, the court imposed a fine of \$20 on each of the five counts, totaling \$100.

**2776. Adulteration of almond paste. U. S. v. 3 Cases of Almond Paste. Default decree of condemnation and destruction.** (F. D. C. No. 5976. Sample No. 58166-E.)

This product contained insect fragments.

On October 6, 1941, the United States attorney for the District of Minnesota filed a libel against 3 cases of almond paste at Minneapolis, Minn., alleging that the article had been shipped in interstate commerce on or about September 16, 1941, by Wood & Selick Co. from New York, N. Y.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Favorite Almond Paste."

On March 4, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

### FATS AND OILS

**2777. Adulteration and misbranding of oil. U. S. v. Alberti Importing & Exporting Co., Inc. Plea of guilty. Fine, \$25.** (F. D. C. No. 4188. Sample Nos. 36216-E, 36944-E.)

Examination showed that this product was cottonseed oil containing little or no olive oil, artificially flavored and colored to simulate olive oil.

On October 20, 1941, the United States attorney for the District of Massachusetts filed an information against Alberti Importing & Exporting Co., Inc., Boston, Mass., alleging shipment on or about August 7 and October 28, 1940, from the State of Massachusetts into the State of Maine of quantities of oil which was adulterated and misbranded. The article was labeled in part: "Berta Brand Ollo (design of a woman in a garb suggesting Italian origin) Contents One Gallon Contains 5% Pure Olive Oil and 95% Cottonseed Oil."

The article was alleged to be adulterated in that a substance consisting essentially of cottonseed oil containing little or no olive oil and artificially flavored to simulate olive oil had been substituted wholly or in part for olive oil, which it purported to be; and in that artificial flavoring had been added thereto or mixed or packed therewith to make it appear better or of greater value than it was.

It was alleged to be misbranded (1) in that the word and statements "Olio," "Superior Oil," "Olio Sopraffino," "Recommended especially for the Italian trade," and the Italian brand name "Berta" and the design displayed upon the cans were false and misleading since the said words, brand name, and design represented and suggested that the article was olive oil; whereas it was not olive oil, but was a substance consisting essentially of cottonseed oil containing little or no olive oil and artificially flavored to simulate olive oil; (2) in that it was an imitation of another food and the label did not bear in type of uniform size and prominence the word "imitation" and immediately thereafter the name of the food imitated, "olive oil"; (3) in that it contained artificial flavoring and did not bear labeling stating that fact; and (4) in that statements required by or under authority of law to appear on the label or labeling were not prominently placed thereon in such terms as to render them likely to be read and understood by the ordinary individual under customary conditions of purchase and use, since the label bore statements in a foreign language and the statement of the quantity of the contents and the common or usual name of each ingredient of each article did not appear on the label in said foreign language.

On February 3, 1942, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$25.

**2778. Adulteration and misbranding of olive oil. U. S. v. Joseph Benestelli (De Luxe Products Co.). Plea of guilty. Fine, \$100 and costs. (F. D. C. No. 4146. Sample Nos. 29013-E, 29014-E, 29015-E.)**

This product was found to consist essentially of cottonseed oil with little or no olive oil.

On July 3, 1941, the United States attorney for the Western District of Pennsylvania filed an information against Joseph Benestelli, trading as De Luxe Products Co. at McKees Rocks, Pa., alleging shipment on or about May 28 and June 26, 1940, from the State of Pennsylvania into the State of Ohio of quantities of olive oil which was adulterated and misbranded.

The article was alleged to be adulterated in that a product consisting essentially of cottonseed oil and containing little or no olive oil, had been substituted wholly or in part for olive oil, which it purported to be.

It was alleged to be misbranded in that the statements, "O Sole Mio Virgin Extra Sublime Olive Oil (one lot "Imported from Lucca—Italy") \* \* \* O Sole Mio Italian Olive Oil is produced with selected ripe olives from the finest regions available. That is why the quality is uniformly 'of the best' at all times. Absolutely pure in all respects and so guaranteed under chemical analysis. You need not hesitate to use this olive oil freely for cooking and eating purposes. Also splendid for medicinal use," and similar statements in Italian, together with the design of olive leaves and branches, appearing on the label, were false and misleading; in that it was offered for sale under the name of another food, olive oil; and in that it was an imitation of another food, olive oil, and its label did not bear in type of uniform size and prominence, or at all, the word "imitation" and, immediately thereafter, the name of the food imitated; one shipment was alleged to be misbranded further in that it was in package form and did not bear a label containing the name and place of business of the manufacturer, packer, or distributor.

On November 3, 1941, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$100 and costs.

**2779. Adulteration and misbranding of olive oil. U. S. v. 10 Cases of Olive Oil. Default decree of condemnation and destruction. (F. D. C. No. 5766. Sample No. 69245-E.)**

This product consisted essentially of cottonseed oil and was artificially flavored and colored to simulate olive oil.

On September 17, 1941, the United States attorney for the Southern District of New York filed a libel against 10 cases of olive oil at New York, N. Y., alleging that the article had been offered for shipment in interstate commerce on or about September 5, 1941, by J. Baba, New York, N. Y.; and charging that it was adulterated and misbranded. The article was labeled in part: "Riviera Brand Pure Olive Oil Imported from Lucca, Toscana, Italy."

The article was alleged to be adulterated in that artificially flavored and colored cottonseed oil, containing little or no olive oil, had been substituted