

**2082. Adulteration and misbranding of olive oil. U. S. v. 49 Gallon Cans, 44 Gallon Cans, and 13½-Gallon Cans of Olive Oil. Default decrees of condemnation and destruction. (F. D. C. Nos. 3504 to 3506, incl. Sample Nos. 29013-E to 29015-E, incl.)**

Analysis showed that this product consisted essentially of cottonseed oil with little or no olive oil.

On December 12, 1940, the United States attorney for the Northern District of Ohio filed libels against 93 gallon cans and 13 half-gallon cans of olive oil at Cleveland, Ohio, alleging that the article had been shipped in interstate commerce on or about May 28 and June 26, 1940, by the De Luxe Products Co. from McKees Rocks, Pa.; and charging that it was adulterated and misbranded. The article was labeled in part: "O Sole Mio Virgin Extra Sublime Olive Oil."

It was alleged to be adulterated in that an article 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 following designs and statements were false and misleading as applied to an article consisting essentially of cottonseed oil and containing little or no olive oil: "[Design of olive leaves and olives] O Sole Mio Virgin Extra Sublime Olive Oil \* \* \* Olio D'Olive Vergine Extra Sublime \* \* \* 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. [Similar statements in Italian.]; (on half-gallon size cans only) 'Imported from Lucca-Italy \* \* \* Importato da Lucca-Italy.' It was alleged to be misbranded further in that it was offered for sale under the name of another food.

On April 5, 1941, the De Luxe Products Co. having intervened but having failed to answer or plead further, judgments of condemnation were entered and the product was ordered destroyed.

**2083. Adulteration and misbranding of olive oil. U. S. v. 45 Cases of Olive Oil. Default decree of condemnation and destruction. (F. D. C. No. 3545. Sample No. 25830-E.)**

This product was not imported olive oil as represented but was a mixture of cottonseed oil and olive oil.

On December 18, 1940, the United States attorney for the Middle District of Alabama filed a libel against 45 cases of olive oil at Clanton, Ala., alleging that the article had been shipped in interstate commerce on or about November 4, 1940, by the National Specialty Co. from Nashville, Tenn.; and charging that it was adulterated and misbranded. It was labeled in part: "Nasco Pure Imported Olive Oil."

The article was alleged to be adulterated in that a mixture of olive oil and cottonseed 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 statement "Pure Imported Olive Oil" was false and misleading as applied to a mixture of olive oil and cottonseed oil.

On January 20, 1941, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

### CANDY

**2084. Adulteration of candy. U. S. v. Harris-Woodson Co., Inc., and Richard A. Harris. Pleas: nolo contendere on behalf of corporation; not guilty by Richard A. Harris. Corporation adjudged guilty and fined \$100. Richard A. Harris adjudged not guilty. (F. D. C. No. 2074. Sample Nos. 78460-D, 78462-D, 78521-D to 78523-D, incl., 78525-D, 78527-D, 78528-D, 78530-D, 78540-D, 78542-D, 78543-D, 87453-D to 87455-D, incl.)**

This case was based on candy, of which one shipment contained moldy and rancid nuts and the others contained insect fragments, rodent hairs, and other extraneous material.

On or about June 3, 1940, the United States attorney for the Western District of Virginia filed an information against Harris-Woodson Co., Inc., Lynchburg, Va., and Richard A. Harris, alleging shipment within the period from on or about September 1 to on or about November 13, 1939, from the State of Virginia into

the States of West Virginia and North Carolina of quantities of candy which was adulterated. The article was labeled in part variously: "Malted Milk," "Choc. Nougatines," "Peanut Clusters," "Choc. Peanut Logs," "Goobar Nut Squares," "Red & White Bar," "Dairy Maid Fudge," "Summer Choc. Bears," "Iced Caramel Bar," "Choc. Nut Rolls," "Chocolate Covered Peanuts," "Dandy Mixture Melco," "Choc. Dolls Melco," "Mello Mint Puffs," and "Mel-O Beans."

One lot (chocolate-covered peanuts) was alleged to be adulterated in that it consisted in whole or in part of a decomposed substance, namely, candy containing moldy and rancid peanuts. The product in the remaining lot was alleged to be adulterated in that it consisted in whole or in part of a filthy substance; and in that it had been prepared, packed, or held under insanitary conditions whereby it may have become contaminated with filth.

On June 5, 1940, a plea of nolo contendere was entered on behalf of the corporation and a plea of not guilty was entered by Richard A. Harris. Jury was waived and the evidence was heard by the court, which found the corporation guilty and imposed a fine of \$100 upon it without costs. The court found Richard A. Harris not guilty.

**2085. Adulteration of candy. U. S. v. 38 Boxes and 94 Boxes of Candy. Default decrees of condemnation and destruction.** (F. D. C. Nos. 3955, 3958. Sample Nos. 29276-E, 29453-E.)

This product contained rodent hairs.

On March 12 and 13, 1941, the United States attorneys for the Southern and the Northern Districts of Ohio filed libels against 38 boxes of candy at Cincinnati, Ohio, and 94 boxes of candy at Wapakoneta, Ohio, alleging that the article had been shipped in interstate commerce on or about February 6 and 8, 1941, by Bradas & Gheens, Inc., from Louisville, Ky.; and charging that it was adulterated. It was labeled in part: (Boxes) "Country Candy Ham."

The article was alleged to be adulterated in that it consisted wholly 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.

On April 24 and 25, 1941, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

**2086. Adulteration and misbranding of candy. U. S. v. 37 Boxes and 48 Boxes of Candy. Default decrees of condemnation and destruction.** (F. D. C. Nos. 3729, 3806. Sample Nos. 50733-E, 50735-E.)

Examination showed that this product was contaminated with insect fragments and rodent hairs. Moreover, the labeling of a portion failed to bear the name of each of the ingredients from which it was made.

On February 3 and 14, 1941, the United States attorney for the Eastern District of North Carolina filed libels against 85 boxes of candy at Wilson, N. C., alleging that the article had been shipped in interstate commerce on or about July 26 and 30, 1940, and on or about January 4, 1941, by R. H. Hardesty Co., Inc., from Richmond, Va.; and charging that it was adulterated and that a portion was also misbranded. It was labeled in part: "Hardesty's Fine Candies Cluster Pops [or "Coco. Ices"]."

The article was alleged to be 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 portion of the article shipped in July 1940, was alleged to be misbranded in that it was fabricated from two or more ingredients and did not bear a label stating the common or usual name of each of the ingredients.

On February 24, 1941, R. H. Hardesty Co., Inc., having petitioned for permission to draw samples, an order was entered granting such petition and further granting that the intervenor be allowed an extension of 30 days within which to file claim or other pleadings. On April 15, 1941, no claim having been entered, judgments of condemnation were entered and both lots were ordered destroyed after 30 days unless taken down under bond by the owner and were destroyed in accordance with such order.

**2087. Adulteration of candy. U. S. v. 22 Boxes of Candy. Default decree of condemnation and destruction.** (F. D. C. No. 3415. Sample No. 52491-E.)

This product contained rodent hairs and insect fragments.

On November 20, 1940, the United States attorney for the District of Montana filed a libel against 22 boxes of candy at Great Falls, Mont., alleging that the article had been shipped in interstate commerce on or about June 18, 1940, by