

**2957. Adulteration and misbranding of peanut butter. U. S. v. 33 Cases and 18 Cases of Peanut Butter. Default decree of condemnation and destruction. (F. D. C. No. 6140. Sample No. 70145-E.)**

Both lots of this product contained dirt and insect fragments and the 2-pound jars were short of the declared weight.

On November 19, 1941, the United States attorney for the Western District of North Carolina filed a libel against 33 cases each containing 29 1-pound jars and 24 cases each containing 12 2-pound jars of peanut butter at Taylorsville, N. C., alleging that the article had been shipped in interstate commerce on or about September 9, 1941, by Jaxon Foods, Inc., from Jacksonville, Fla.; and charging that it was adulterated and that a portion was misbranded. The article was labeled in part: (Jars) "Besmaid Peanut Butter."

All of the article was alleged to be adulterated in that it consisted in whole or in part of a filthy substance.

The 2-pound jars were alleged to be misbranded in that the statement "Net Wt. 2 Lb." was false and misleading as applied to an article that was short weight; and in that it was in package form and did not bear a label containing an accurate statement of the quantity of the contents.

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

### OILS AND FATS

**2958. Adulteration and misbranding of olive oil. U. S. v. 12 Cans of Olive Oil. Default decree of condemnation. Product ordered distributed to charitable institutions. (F. D. C. No. 5961. Sample No. 75532-E.)**

Analysis showed that this product consisted essentially of cottonseed oil mixed with one or more other vegetable oils, and containing little, if any, olive oil.

On or about October 7, 1941, the United States attorney for the District of Connecticut filed a libel against 12 gallon cans of olive oil at Pawcatuck, Conn., alleging that the article had been shipped in June or July, 1941, by Columbus Wholesale Grocery Co. from Providence, R. I.; and charging that it was adulterated and misbranded. It was labeled in part: "Superfine Olive Oil A. Sasso \* \* \* Brand."

The article was alleged to be adulterated in that a substance, cottonseed oil mixed with one or more other vegetable oils, containing little, if any, olive oil, had been substituted in whole or in part for olive oil, which it purported to be.

It was alleged to be misbranded: (1) In that the following statements, (main panels) "Superfine Olive Oil \* \* \* Imported Product \* \* \* Olio d'Olive Sopraffino \* \* \* Prodotto Importato," (side panels) "Pure Olive Oil Imported \* \* \* Olio Puro d'Olive Raccomandato per uso medicinale," and (top and bottom) "Puro Olio di Oliva," were false and misleading as applied to an article that consisted essentially of cottonseed oil mixed with one or more other vegetable oils and contained little, if any, olive oil. (2) In that it was offered for sale under the name of another food. (3) In that it was in package form and failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor. (4) In that it was fabricated from two or more ingredients and its label failed to bear the common or usual name of each ingredient.

On December 20, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered distributed to charitable institutions.

**2959. Adulteration and misbranding of olive oil. U. S. v. 10 Cases of Oil. Default decree of condemnation and destruction. (F. D. C. No. 6293. Sample No. 87230-E.)**

This product consisted essentially of cottonseed oil, containing little, if any, olive oil.

On November 28, 1941, the United States attorney for the Southern District of West Virginia filed a libel against 10 cases, each containing 24 quart cans, of oil at Charleston, W. Va., alleging that the article had been shipped on or about August 2, 1941, by Enrico Fiorelli Co. from Canton, Ohio; and charging that it was adulterated and misbranded. It was labeled in part: "Conte Savoia Pure Olive Oil."

The article was alleged to be adulterated in that a substance, cottonseed oil, containing little, if any, olive oil, had been substituted wholly or in part for olive oil, which it purported to be.