

4478. Adulteration of peanut butter. U. S. v. 1,663 Cases of Peanut Butter. Default decree of condemnation and destruction. (F. D. C. No. 8312. Sample No. 28242-F.)

This product was made from peanuts, some of which were insect-infested, others decomposed, and still others contaminated with rodent excreta.

On September 4, 1942, the United States attorney for the Northern District of Georgia, filed a libel against 1,663 cases, each containing 12 1-pound, 9-ounce jars, of peanut butter at Atlanta, Ga., alleging that the article had been shipped in interstate commerce on or about August 17, 1942, by the Dillon Candy Co. from Jacksonville, Fla.; 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: "Dillon's Peanut Butter."

On November 6, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

4479. Adulteration of peanut butter. U. S. v. 100 Cases of Peanut Butter. Default decree of condemnation and destruction. (F. D. C. No. 8506. Sample No. 4740-F.)

This product contained sand.

On October 3, 1942, the United States attorney for the Southern District of Ohio filed a libel against 100 cases, each containing 12 jars of peanut butter, at Dayton, Ohio, which had been consigned on or about August 15, 1942, alleging that the article had been shipped in interstate commerce by Standard Food Products, Inc., from Indianapolis, Ind.; 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: "Kenny's Norwood Peanut Butter."

On November 21, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

OLIVE OIL

4480. Adulteration and misbranding of olive oil. U. S. v. Albert Maltese. Plea of guilty. Fine, \$200 (\$100 on each of 2 counts) and 3 months' jail sentence on each count to run concurrently. (F. D. C. No. 7307. Sample No. 64681-E.)

On September 30, 1942, the United States attorney for the Eastern District of New York filed an information against Albert Maltese at Brooklyn, N. Y., alleging shipment in interstate commerce on or about January 15, 1942, from the State of New York into the State of Pennsylvania of a quantity of oil that was adulterated and misbranded. The article was labeled in part: (Can) "Net Contents One Gallon Roberta Brand Pure Olive Oil."

The article was alleged to be adulterated (1) in that a substance consisting essentially of cottonseed oil, artificially flavored and artificially colored, and containing little, if any, olive oil had been substituted wholly or in part for olive oil, which it was represented to be; (2) in that it was inferior to olive oil and its inferiority had been concealed by the addition of artificial flavoring and artificial coloring; (3) in that artificial flavoring and artificial coloring had been added thereto or mixed or packed therewith so as to make it appear better and of greater value than it was; and (4) in that it contained a coal-tar color other than one from a batch that had been certified in accordance with regulations as provided by law.

It was alleged to be misbranded (1) in that the statements, "Pure Olive Oil Imported from Lucca Toscana Italy," "Imported Pure Olive Oil This oil is guaranteed to be absolutely pure under chemical analysis," and similar statements in Italian together with the designs of gold medals, olive branches, and olives borne on the cans, were false and misleading since they represented and suggested that the article consisted of imported pure olive oil, whereas, it consisted essentially of cottonseed oil containing little, if any, olive oil; (2) in that it was offered for sale under the name of another food, namely, olive oil; (3) in that it was colored and flavored in imitation of olive oil and its label did not bear in type of uniform size and prominence the word "imitation" and immediately thereafter the name of the food imitated; (4) 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; (5) in that it was fabricated from two or more ingredients and its label did not bear the common or usual name of each such ingredient; and (6) in that it contained artificial flavoring and artificial coloring and did not bear labeling stating those facts.