

5554. Misbranding of peanut butter. U. S. v. 25 Cases of Peanut Butter. Default decree of condemnation and destruction. (F. D. C. No. 10325. Sample No. 20643-F.)

On July 26, 1943, the United States attorney for the District of Massachusetts filed a libel against 25 cases, each containing 24 1-pound jars, of peanut butter at Malden, Mass., alleging that the article had been shipped in interstate commerce on or about April 14, 1943, by the Cream O Specialty Co., from Brooklyn, N. Y.; and charging that it was misbranded. The article was labeled in part: (Jars) "President Peanut Butter Made from Roasted Peanuts Salt added Vitamin-Rich President Products, Inc., West New York New Jersey Net Wt. 1 Lb."

The article was alleged to be misbranded (1) in that the statement "Vitamin-Rich" was false and misleading since peanut butter is not a rich source of vitamin; (2) in that the statement "Net Wt. 1 Lb." was false and misleading as applied to an article short in weight; and (3) in that it was in package form and failed to bear a label containing an accurate statement of the quantity of the contents.

On August 30, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed. Destruction was effected by turning the product over to a charitable institution for the use of the inmates.

5555. Adulteration of shredded coconut. U. S. v. 24 Barrels and 633 Cases of Shredded Coconut. Consent decree of condemnation and destruction. (F. D. C. No. 10162. Sample Nos. 3719-F, 3721-F.)

On July 8, 1943, the United States attorney for the District of Kansas filed a libel against 24 barrels (about 6,165 pounds) and 633 cases (each containing 48 cellophane packages) of shredded coconut at Hutchinson, Kans., alleging that the article had been shipped in interstate commerce within the period from on or about December 21, 1942, to February 16, 1943, by Pure Food Products, Inc., from Dallas, Tex.; and charging that it was adulterated in that it consisted in whole or in part of filthy substances (24 barrels), insects, insect fragments, and rancid coconut, (633 cases) insects and insect fragments. The article was labeled in part: (Barrels) "Monsantu Brand Fancy Shredded and Macaroon Coconut," (cases) "Fancy Shredded Coconut," and (packages) "Pure Food Brand Shredded Coconut."

On September 18, 1943, J. S. Dillon & Sons Stores Co., Hutchinson, Kans., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered destroyed.

5556. Adulteration of Nut Krunch Topping and Nut Krunch. U. S. v. 13 Cartons of Nut Krunch Topping and 7 Cartons of Nut Krunch. Default decrees of condemnation. Products ordered destroyed or disposed of as animal feed. (F. D. C. Nos. 10670, 11009. Sample Nos. 34224-F, 34296-F.)

On September 13 and November 3, 1943, the United States attorneys for the Western District of Pennsylvania and the Northern District of Ohio filed libels against 13 cartons of Nut Krunch Topping at Pittsburgh, Pa., and 7 cartons of Nut Krunch at Youngstown, Ohio, alleging that the articles had been shipped in interstate commerce on or about March 22 and April 1, 1943, by I. Kalfus Co., Inc., from New York, N. Y.; and charging that they were adulterated in that they consisted in whole or in part of filthy substances by reason of the presence of filth, such as insects, insect excreta, larvae, cast skins, webbing, and cocoons. The Nut Krunch was labeled in part: "Kalco Brand Nut Krunch." The topping was unlabeled.

On September 23, 1943, and February 3, 1944, no claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed, the decree in the case involving the 7 cartons of Nut Krunch providing that it might be reprocessed and disposed of as animal feed.

OILS AND FATS

5557. Adulteration and misbranding of olive oil. U. S. v. Sam Silverstein (Sage Chemical Co.). Plea of guilty. Fined \$1 and sentenced to 3 months in jail on count 1; sentence on count 2 suspended and defendant placed on probation for 1 year. (F. D. C. No. 5583. Sample No. 50804-E.)

On April 3, 1943, the United States attorney for the Eastern District of New York filed an information against Sam Silverstein, trading as Sage Chemical Co., Brooklyn, N. Y., alleging shipment on or about March 10, 1943, from the State of New York into the State of Maryland of a quantity of olive oil that was adulterated and misbranded. The article was labeled in part: "Golden

Clover Pure Imported Olive Oil For Table and Medicinal Use U. S. P. European Olive Oils Co., Inc. Distributors, Brooklyn, N. Y. Contents 1½ Oz."

The article was alleged to be adulterated (1) in that a substance consisting essentially of cottonseed oil containing little or no olive oil, artificially colored in simulation of olive oil, had been substituted in whole or in part for olive oil which it was represented to be; (2) in that it was an imitation of olive oil consisting essentially of cottonseed oil containing little or no olive oil, and was inferior to olive oil, and its inferiority to olive oil had been concealed by the addition of artificial coloring; (3) in that artificial color had been added to or mixed or packed with it 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 statement "Pure Imported Olive Oil," borne on the label, was false and misleading since it was not pure imported olive oil; (2) and that it consisted essentially of cottonseed oil artificially colored containing little or no olive oil and was offered for sale under the name of another food, olive oil; (3) in that it was an imitation of olive oil and its label failed to 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 coloring and did not bear labeling stating that fact.

On October 28, 1943, the defendant having entered a plea of guilty, the court imposed a sentence of 3 months in jail and a fine of \$1 on count 1, and suspended sentence on count 2, placing the defendant on probation for 1 year.

5558. Adulteration and misbranding of imitation olive oil. U. S. v. 12 Cases of Imitation Olive Oil. Default decree of condemnation and destruction.
(F. D. C. No. 10122. Sample No. 32530-F.)

Analysis showed that this product consisted of vegetable oil and mineral oil, artificially colored and flavored, and that it contained 10 percent mineral oil.

On June 24, 1943, the United States attorney for the Northern District of Ohio filed a libel against 12 cases, each containing 24 bottles, of imitation olive oil at Cleveland, Ohio, alleging that the article had been shipped in interstate commerce on or about April 20, 1942, by the Atlantic Chemical Co., Inc., Brooklyn, N. Y.; and charging that it was adulterated and misbranded. The article was labeled in part: (Label pasted on bottle) "Edvic Brand Imitation Olive Oil," (reverse side of label as seen through oil in bottle) "Contains the Following: Soya Bean Oil, Cotton Seed Oil, Artificial Fl. U. S. Certified Color Added. May be used for Hair Oil, Table use, or as a general substitute for Olive Oil."

The article was alleged to be adulterated in that an article containing mineral oil, a non-nutritive substance, had been substituted for a product offered for general food use; and in that a substance, mineral oil, having no food value, had been added thereto or mixed or packed therewith so as to reduce its quality or strength.

The article was alleged to be misbranded in that the statement, "Contains the Following: Soya Bean Oil, Cotton Seed Oil, Artificial Fl. U. S. Certified Color Added," was false and misleading as applied to a product containing mineral oil; and in that the statement of ingredients was not prominently placed on the label with such conspicuousness as to render it likely to be read by an ordinary individual under customary conditions of purchase and use.

On September 9, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

5559. Misbranding of olive oil. U. S. v. 21 Cans of Olive Oil. Default decree of condemnation. Product ordered delivered to charitable institutions.
(F. D. C. No. 10114. Sample No. 44985-F.)

This product was short volume.

On June 19, 1943, the United States attorney for the District of Connecticut filed a libel against 21 cans of olive oil at Waterbury, Conn., alleging that the article had been shipped in interstate commerce on or about May 12, 1943, by the J. Ossola Co., from New York, N. Y.; and charging that it was misbranded in that the statement "Contents One Quart" was false and misleading as applied to an article that was short volume, and in that it was in package form and failed to bear a label containing an accurate statement of the quantity of the