

6177. Adulteration of toasted pecans and sugar-coated, toasted pecans. U. S. v. 12 Drums of Toasted Pecans and 10 Metal Containers of Sugar Coated Toasted Pecans. Decrees of condemnation and destruction. (F. D. C. Nos. 12835, 12926. Sample Nos. 28877-F, 63334-F.)

LIBELS FILED: June 30 and July 19, 1944 (latter libel amended August 26, 1944), Southern District of Florida and Eastern District of North Carolina.

ALLEGED SHIPMENT: On or about June 9 and 10, 1944, by the Dairy & Ice Cream Supply Co., Atlanta, Ga.

PRODUCT: 40 pounds of toasted pecans at Raleigh, N. C., and 10 50-pound containers of sugar-coated, toasted pecans at Jacksonville, Fla.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the articles consisted in whole or in part of filthy substances by reason of the presence of larvae, larva fragments, insect fragments, beetles, and, in one lot, rodent hair fragments.

DISPOSITION: August 14 and September 11, 1944, no claimant having appeared for the goods seized at Raleigh, and the claimant for the goods seized at Jacksonville having withdrawn its claim and answer, judgments of condemnation were entered and the products were ordered destroyed.

6178. Adulteration of piñon nuts. U. S. v. 40 Sacks of Piñon Nuts. Decree of condemnation. Product ordered released under bond. (F. D. C. No. 12492. Sample No. 73309-F.)

LIBEL FILED: June 7, 1944, Northern District of California.

ALLEGED SHIPMENT: On or about November 22, 1943, by the Charles Hfeld Co., from Gallup, N. Mex.

PRODUCT: 40 sacks, each containing about 80 pounds, of piñon nuts at San Francisco, Calif.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent and manure pellets, dirt, twigs, and nondescript foreign material.

DISPOSITION: June 27, 1944. John G. Ziel, trading as Ziel & Co., having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law under the supervision of the Food and Drug Administration. The unfit portion was subsequently segregated and destroyed.

6179. Adulteration of walnut meats. U. S. v. 10 Cases of Walnut Meats. Default decree of condemnation and destruction. (F. D. C. No. 12376. Sample No. 71708-F.)

LIBEL FILED: May 20, 1944, District of Idaho.

ALLEGED SHIPMENT: On or about November 23, 1943, by the California Nut Co., from Los Angeles, Calif.

PRODUCT: 10 cases, each containing 25 pounds, of walnut meats, at Nampa, Idaho.

LABEL, IN PART: "Std Ambers Walnut Meats."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy and decomposed substance by reason of the presence of moldy and insect-damaged walnut meats.

DISPOSITION: July 28, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

OILS

6180. Adulteration and misbranding of oil. U. S. v. 28 Cans of Oil. Consent decree of condemnation. Product ordered released under bond for relabeling. (F. D. C. No. 12301. Sample No. 67469-F.)

LIBEL FILED: May 8, 1944, Northern District of Ohio.

ALLEGED SHIPMENT: On or about March 9, 1944, by the Western Food Corporation, Chicago, Ill.

PRODUCT: 28 cans of oil at Cleveland, Ohio.

LABEL, IN PART: (Main panels) "W-F-C Liguria Superfine Brand. An excellent Composition of 80% vegetable and 20% of Pure Virgin Olive Oil," and a design of medals.

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (2), a substance which consisted essentially of corn oil and which contained not over 9 percent of olive oil had been substituted for "80% vegetable oil and 20% of Pure Virgin Olive Oil," which the article was represented to be.

Misbranding, Section 403 (a), the statement, "An Excellent Composition of 80% vegetable oil and 20% of Pure Virgin Olive Oil" was false and misleading; in addition, the prominent word "Liguria," which is the name of an Italian province, and the design of medals, coupled with the prominent statement "Pure Virgin Olive Oil," were misleading since they created the impression that the article was a foreign product; and, Section 403 (i) (2), the product was fabricated from two or more ingredients and its label failed to bear the common or usual name of each ingredient since vegetable oil is not the common or usual name for corn oil.

DISPOSITION: August 10, 1944. The Western Food Corporation having appeared as claimant and consented to the entry of the decree, judgment of condemnation was entered and the product was ordered released under bond for removal of the contents of the cans into a properly labeled container, under the supervision of the Food and Drug Administration.

6181. Misbranding of olive oil. U. S. v. 95 Cans of Olive Oil. Consent decree of condemnation. Product ordered released under bond to be emptied into storage tanks for use in blending edible oils. (F. D. C. No. 12432. Sample No. 76372-F.)

LIBEL FILED: On or about May 25, 1944, District of Connecticut.

ALLEGED SHIPMENT: On or about March 1, 1944, by the Balbo Oil Co., from Brooklyn, N. Y.

PRODUCT: 95 cans of olive oil at New Haven, Conn.

LABEL, IN PART: (Cans) "One Gallon Net Cellini Brand Pure Olive Oil."

VIOLATIONS CHARGED: Misbranding, Section 403 (a), in that the statement "One Gallon Net" was false and misleading as applied to an article that was short-volume; and, Section 403 (e) (2), in that it was in package form and failed to bear a label which contained an accurate statement of the quantity of the contents.

DISPOSITION: August 10, 1944. Meyer Mester and Murray Mester, doing business as the Balbo Oil Co., claimants, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be emptied into storage tanks, for use in blending edible oils, under the supervision of the Food and Drug Administration.

6182. Misbranding of oil. U. S. v. 76 Gallons of Oil. Default decree of condemnation. Two cans ordered delivered to the Food and Drug Administration; remainder ordered transferred to the U. S. Marine Hospital. (F. D. C. No. 12122. Sample No. 66373-F.)

LIBEL FILED: April 3, 1944, Eastern District of New York.

ALLEGED SHIPMENT: On or about February 7, 1944, by the Caruso Products Distributing Corporation, from Newark, N. J.

PRODUCT: 76 1-gallon cans of oil at Brooklyn, N. Y.

LABEL, IN PART: "Signora Brand * * * Corn and Olive Oil * * * Packed For J. Guarino Newark, N. J."

VIOLATION CHARGED: Misbranding, Section 403 (a), the prominent statement "Corn and Olive Oil," on the labeling, was misleading as applied to the article, which consisted essentially of corn oil, and which contained little or no olive oil.

DISPOSITION: June 27, 1944. No claimant having appeared, judgment of condemnation was entered, and two cans were ordered delivered to the Food and Drug Administration. The remainder was ordered transferred to the U. S. Marine Hospital for consumption and not for sale.

POULTRY

6183. Adulteration and misbranding of dressed poultry. U. S. v. P. G. Gray, Jr. Plea of guilty. Fine, \$200 and costs. (F. D. C. No. 11411. Sample Nos. 57443-F to 57445-F, incl.)

LIBEL FILED: On June 13, 1944, in the Northern District of Iowa, against P. G. Gray, Jr., Estherville, Iowa.

ALLEGED SHIPMENT: On or about October 6 and 11, 1943, from the State of Iowa into the State of New York