

7177. Adulteration of walnuts in shell. U. S. v. 15 Bags of Walnuts. Default decree of condemnation and destruction. (F. D. C. No. 13421. Sample No. 75862-F.)

LIBEL FILED: August 24, 1944, Western District of New York.

ALLEGED SHIPMENT: On or about November 30, 1943, by California Walnut Growers Association, from Los Angeles, Calif.

PRODUCT: 15 100-pound bags of walnuts at Buffalo, N. Y.

LABEL, IN PART: "Diamond Brand Walnuts."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of larvae.

DISPOSITION: September 26, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

OILS AND FATS

7178. Adulteration and misbranding of oil. U. S. v. Henry Plumer (Chandu Coffee Co.). Plea of guilty. Sentence suspended and defendant placed on probation for 1 day. (F. D. C. No. 7222. Sample Nos. 74390-E, 74391-E.)

INFORMATION FILED: June 8, 1944, Southern District of New York, against Henry Plumer, trading as Chandu Coffee Co., Brooklyn, N. Y.

ALLEGED SHIPMENT: On or about August 23, 1941, from the State of New York into the State of New Jersey.

LABEL, IN PART: (Front panel) "Fine Edible Oil P. Enrico Brand."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (2), inferiority had been concealed by the addition of artificial flavoring and coloring; and, Section 402 (b) (4), artificial coloring and flavoring had been added to the article so as to make it appear better and of greater value than it was.

Misbranding, Section 403 (c), the article was an imitation of another food, 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; Section 403 (e) (1), the article was in package form and did not bear a label containing the name and place of business of the manufacturer, packer, or distributor; Section 403 (k), it contained artificial flavoring and coloring and did not bear labeling stating that fact; and, Section 403 (f), the information required by law to appear on the labeling was not placed thereon in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use, since the can label bore representations in the Italian language, including the statement, "Quest Olio E Specialmente Preparato Per Il Gusto Italiano," and the English equivalent, "This Oil is Specially Prepared for the Italian Trade," and by reason of the representations, the food purported to be prepared especially for the Italian purchaser, whereas the information required by law to appear on the labeling did not appear thereon in the Italian language.

DISPOSITION: June 28, 1944. A plea of guilty was entered; sentence was suspended and the defendant was placed on probation for 1 day.

7179. Adulteration and misbranding of oil. U. S. v. Salvatore Francese, Rocco Palmieri, and Frank Saviano (Domestic Oil Co.). Pleas of guilty. Each defendant fined \$25. (F. D. C. No. 7223. Sample Nos. 51625-E, 51626-E.)

INFORMATION FILED: On July 14, 1944, in the Southern District of New York, against Salvatore Francese, Rocco Palmieri, and Frank Saviano, trading as Domestic Oil Co., New York, N. Y.

ALLEGED SHIPMENT: On or about July 17, 1941, from the State of New York into the State of Rhode Island.

LABEL, IN PART: "Pulcella Brand Olio Finissimo * * * Corn Oil With Color and Flavor Added," or "Extra Fine Oil Gioiosa Brand Pure Oil."

VIOLATIONS CHARGED: Adulteration (Pulcella Brand), Section 402 (b) (2), a substance consisting essentially of cottonseed oil, artificially colored and artificially flavored to simulate olive oil, had been substituted in whole or in part for corn oil with color and flavor added.

Misbranding (Pulcella Brand), Section 403 (a), the statement, "Corn Oil With Color and Flavor Added," was false and misleading; and, Section 403 (b), the article was offered for sale under the name of another food.

Misbranding (Gioiosa Brand), Section 403 (a), the statements, "Pure Oil" and "We guarantee this oil to be absolutely pure under chemical analysis," were