

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of *E. coli*; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: August 15, 1947. Default decree of condemnation and destruction.

12383. Adulteration of pecan meats. U. S. v. 29 Cases * * *. (F. D. C. No. 22952. Sample No. 90618-H.)

LIBEL FILED: April 22, 1947, Eastern District of Virginia.

ALLEGED SHIPMENT: On or about February 19, 1947, by the Acker Pecan & Produce Co., from Albany, Ga.

PRODUCT: 29 30-pound cases of pecan meats at Norfolk, Va.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of *E. coli*; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: October 16, 1947. L. D. Acker, Albany, Ga., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for reprocessing and cleansing, under the supervision of the Food and Drug Administration.

12384. Adulteration of black walnut kernels. U. S. v. 68 Cartons * * *. (F. D. C. No. 22866. Sample Nos. 69401-H, 69402-H.)

LIBEL FILED: On or about May 6, 1947, Northern District of Illinois.

ALLEGED SHIPMENT: On or about January 10 and February 15, 1947, by Lefkovits-Fleisman Co., Nashville, Tenn.

PRODUCT: 68 50-pound cartons of black walnut kernels at Chicago, Ill.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of *E. coli*; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: June 2, 1947. Lefkovits-Fleisman Co., claimant, having admitted the facts in the libel, 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.

OILS AND FATS

12385. Adulteration and misbranding of olive oil. U. S. v. 319 Cans * * *. (F. D. C. No. 22766. Sample Nos. 59973-H, 61314-H.)

PRODUCT: March 20, 1947, Western District of Pennsylvania.

ALLEGED SHIPMENT: During the latter part of October 1946, by Dominick Tini (or Tine), also known as Caprini or Batrini, and Jimmie, from New York, N. Y.

PRODUCT: 319 1-gallon cans of olive oil at Pittsburgh, Pa.

LABEL, IN PART: "Extra Fine Olive Oil Colomba Brand."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), artificially colored soybean oil had been substituted in whole or in part for olive oil; and, Section 402 (b) (4), artificial color had been added to the article and mixed and packed with it so as to make it appear better and of greater value than it was.

Misbranding, Section 403 (a) the label statements "Extra Fine Olive Oil. This oil is guaranteed to be absolutely pure under any chemical analysis" (similar statements in Italian), were false and misleading as applied to artificially colored soybean oil; and, Section 403 (b), the article was offered for sale under the name of another food, olive oil.

DISPOSITION: April 7, 1947. D. Kart and Son, Pittsburgh, Pa., claimants, having admitted the allegations of the libel, judgment was entered ordering the product released under bond, conditioned that it be disposed of to a manufacturer of soap, under the supervision of the Food and Drug Administration.

12386. Adulteration and misbranding of olive oil. U. S. v. 30 Cases * * *. (F. D. C. No. 22931. Sample No. 54932-H.)

LIBEL FILED: April 17, 1947, Northern District of Georgia.

ALLEGED SHIPMENT: On or about March 19, 1947, by Capital Food Co., from Washington, D. C.

PRODUCT: 12 cases of 24 2-ounce bottles, 6 cases of 36 4-ounce bottles, 8 cases of 12 8-ounce bottles, and 4 cases of 12 16-ounce bottles, of olive oil at Atlanta, Ga.

LABEL, IN PART: "Capitol Brand * * * Capital Olive Oil Co. [or "Capital Food Co."]."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a mixture of peanut oil and other oils had been substituted for olive oil, which the product was represented to be.

Misbranding, Section 403 (a), the label statements "Pure Virgin Imported Olive Oil" and "Imported Olive Oil" were false and misleading.

DISPOSITION: May 26, 1947. D. F. Antonelli and E. Torina, trading as Capital Food Co., Washington, D. C., claimants, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be relabeled, under the supervision of the Food and Drug Administration.

12387. Adulteration and misbranding of olive oil. U. S. v. 68 Bottles * * *.
(F. D. C. No. 22920. Sample Nos. 90324-H, 90325-H, 90966-H.)

LIBEL FILED: April 9, 1947, District of Columbia.

ALLEGED SHIPMENT: The article was held for sale by Calvert Super Market, Washington, D. C.

PRODUCT: 9 16-ounce bottles and 59 8-ounce bottles of olive oil at Washington, D. C.

LABEL, IN PART: "Capitol Brand Imported Olive Oil Capital Olive Oil Co. Washington, D. C. 16 Oz. [or "Capital Food Co. Washington, D. C. 8 Oz."]."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), (9-bottle lot) an article consisting essentially of corn oil had been substituted in whole or in part for olive oil.

Misbranding, Section 403 (a), (9-bottle lot) the label designation "Imported Olive Oil" was false and misleading; and, Section 403 (e) (2), (59-bottle lot) the label of the article failed to contain an accurate statement of the quantity of contents. (The article was short-volume.)

DISPOSITION: July 8, 1947. Default decree of condemnation. Product ordered delivered to a local public hospital.

12388. Adulteration and misbranding of Saladola. U. S. v. 8 Cases, etc. Default decree of condemnation and destruction. (F. D. C. No. 22316. Sample Nos. 74008-H, 74009-H.)

LIBEL FILED: February 28, 1947, District of New Hampshire.

ALLEGED SHIPMENT: On or about September 17, 1946, by Mercantile Food Products Co., from Boston, Mass.

PRODUCT: 8 cases, each containing 12 quart bottles, 7 cases, each containing 24 pint bottles, of Saladola at Manchester, N. H.

LABEL, IN PART: (Bottles) "Saladola Brand Pure Mineral Oil A Non-Fattening Oil (Certified Food Color Added) For the preparation of non-fattening, non-nutritive, and low calorie Dressings for Salads * * * Try this French Dressing today."

NATURE OF CHARGE: Adulteration, Section 402 (b) (4), artificial color had been added to mineral oil so as to make it appear to be salad oil, which is better and of greater value than the article.

Misbranding, Section 403 (a), the label designation "Saladola" was false and misleading since it represented and suggested that the article was salad oil, whereas it was not salad oil; Section 403 (a), the label statement "French Dressing" created the false and misleading impression that french dressing could be made with the article; and, Section 403 (a), the labeling of the article was misleading. The statement "for the preparation of non-fattening, non-nutritive, and low calorie dressings for salads," coupled with the directions for use, represented to purchasers of the article that it was wholesome and suitable for use as a substitute for food oils in preparing salads. The article was colored mineral oil and its labeling failed to reveal the material fact that the