

ALLEGED SHIPMENT: On or about April 14, May 13 and 28, and July 26, 1949, from New York, N. Y.

PRODUCT: 92 cases of cashew nuts at San Francisco, Calif.

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 insects. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: November 17, 1949. The Martin Donig Nut Co., San Francisco, Calif., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for the purpose of fumigating and reconditioning and ridding the nuts of the unfit material, under the supervision of the Federal Security Agency. A total of 4,175 pounds of the product was salvaged as good material, and the remainder consisting of 325 pounds, which was segregated as unfit, was denatured.

OILS AND FATS

15644. Adulteration and misbranding of olive oil. U. S. v. Capital Food Co., Dominic F. Astonelli, and Enrico Torino. Pleas of guilty. Each defendant fined \$100. (F. D. C. No. 23604. Sample Nos. 43093-H to 43095-H, incl., 54932-H, 90324-H.)

INFORMATION FILED: March 23, 1949, District of Columbia, against the Capital Food Co., a partnership, Washington, D. C., and Dominic F. Antonelli and Enrico Torino, partners.

ALLEGED VIOLATION: On or about October 31 and November 7, 1946, the defendants caused to be introduced and delivered for introduction into interstate commerce, by sale and delivery in the District of Columbia, two lots of alleged olive oil. In addition, on or about March 19, 1947, the defendants shipped a quantity of alleged olive oil from the District of Columbia into the State of Georgia.

LABEL, IN PART: "Capitol Brand Imported [or "Pure Virgin Imported"] Olive Oil."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), (1 sale in the District of Columbia) an artificially colored and flavored mixture of vegetable oils, containing little, if any, olive oil, had been substituted for olive oil; (other sale in the District of Columbia and the interstate shipment) mixtures of olive oil with other vegetable oils had been substituted in whole or in part for olive oil.

Misbranding, Section 403 (a), the statements "Imported Olive Oil" or "Pure Virgin Imported Olive Oil" on the bottles were false and misleading; 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 such ingredient; and, Section 403 (k), (1 sale in the District of Columbia) the product contained artificial coloring and artificial flavoring and failed to bear labeling stating that fact.

DISPOSITION: July 8, 1949. Pleas of guilty having been entered, each defendant was fined \$100.

15645. Misbranding of peanut oil. U. S. v. 246 Cases, etc. (F. D. C. No. 27746. Sample No. 35282-K.)

LABEL FILED: September 16, 1949, Northern District of California.