

NUTS AND NUT PRODUCTS

19041. Adulteration of unshelled walnuts and almonds. U. S. v. 22 Bags, etc.
(F. D. C. No. 33080. Sample Nos. 48563-L to 48567-L, incl.)

LABEL FILED: April 16, 1952, Southern District of Iowa.

ALLEGED SHIPMENT: On or about October 31, November 20, and December 6, 1951, from Los Angeles, Calif.

PRODUCT: 52 bags, each containing 100 pounds, and 14 bags, each containing 25 pounds, of unshelled walnuts, and 8 bags, each containing 25 pounds, of unshelled almonds at Burlington, Iowa, in possession of the Lagomarcina-Grupe Co.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the products consisted in whole or in part of filthy substances by reason of the presence of rodent-gnawed nuts; and, Section 402 (a) (4), they had been held under insanitary conditions whereby they may have become contaminated with filth. The products were adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: April 28, 1952. The Lagomarcina-Grupe Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the products be released under bond for segregation and destruction of the unfit portion, under the supervision of the Food and Drug Administration. 151 pounds of unfit nuts were segregated and destroyed.

19042. Adulteration of shelled walnuts. U. S. v. 4 Cartons * * *. (F. D. C. No. 33093. Sample No. 48956-L.)

LABEL FILED: April 26, 1952, District of Minnesota.

ALLEGED SHIPMENT: During 1950, from the State of California.

PRODUCT: 4 cartons, each containing 25 pounds, of shelled walnuts at Minneapolis, Minn.

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 insects and rodent excreta. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: May 21, 1952. The shipper and consignee of the product having consented to its destruction, the court ordered that the product be denatured and disposed of for use as animal feed.

19043. Adulteration of peanut butter and misbranding of preserves. U. S. v. J. F. Garvey Co., a corporation, and George W. Mechling. Pleas of nolo contendere. Corporation fined \$260; individual defendant fined \$65. (F. D. C. No. 31579. Sample Nos. 9546-L, 13597-L to 13600-L, incl., 13670-L, 31961-L.)

INFORMATION FILED: May 2, 1952, District of Nebraska, against the J. F. Garvey Co., Lincoln, Nebr., and George W. Mechling, president.

ALLEGED SHIPMENT: Between the approximate dates of January 26 and November 17, 1951, from the State of Nebraska into the States of Illinois, Missouri, and Colorado.

LABEL, IN PART: "J. F. Garvey Peanola P. B. Made Especially For National Biscuit Co.," "Mrs. Kellogg's Institution Style Peach [or "Strawberry" or "Pinecot"] Preserves," "Glendale Brand Institution Style Pinecot Preserves," "Western Brand Institution Style Strawberry Preserves," "Garvey's Red Raspberry Jam," "Institution Style Apricot Jam," or "Clover Farm Brand * * * Pinecot Preserves."

NATURE OF CHARGE: Peanut butter. Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of rodent excreta, rodent hairs, and insect fragments.

Preserves. Misbranding, Section 403 (g) (1), the products purported to be and were represented as peach preserves, strawberry preserves, pineapple-apricot preserves, red raspberry jam, and apricot jam, foods for which definitions and standards have been prescribed by regulations, and these foods failed to conform to their respective standards since they contained less than 45 parts by weight of the various fruit ingredients to each 55 parts by weight of the optional saccharine ingredient, and the strawberry preserves contained artificial color, which is not a permitted optional ingredient.

DISPOSITION: June 2, 1952. Pleas of nolo contendere having been entered, the corporation was fined \$260 and the individual defendant \$65.

OILS AND FATS

19044. Adulteration and misbranding of table and cooking oil. U. S. v. 36 Cans
* * *. (F. D. C. No. 33127. Sample No. 33219-L.)

LABEL FILED: May 9, 1952, Eastern District of Michigan.

ALLEGED SHIPMENT: On or about March 12, 1951, by the V. Formusa Co., from Chicago, Ill.

PRODUCT: 36 1-gallon cans of table and cooking oil at Detroit, Mich.

LABEL, IN PART: "One Gallon Marconi Brand Contains 75% Cottonseed Oil 20% Olive Oil 5% Peanut Oil."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, olive oil, had been in whole or in part omitted or abstracted from the product; and, Section 402 (b) (2), a mixture of corn oil and peanut oil with little or no olive oil had been substituted for a blend of 75% cottonseed oil, 20% olive oil, and 5% peanut oil.

Misbranding, Section 403 (a), the label statement "Contains 75% Cottonseed Oil 20% Olive Oil" was false and misleading since the product contained no cottonseed oil and little, if any, olive oil.

DISPOSITION: July 8, 1952. Default decree of condemnation. The court ordered that the product be delivered to a Federal institution.

19045. Misbranding of olive oil. U. S. v. 75 Cans * * *. (F. D. C. No. 32978. Sample Nos. 6484-L, 6599-L.)

LABEL FILED: March 24, 1952, District of Maine.

ALLEGED SHIPMENT: On or about October 5, 1951, by A. Accardi Co., Inc., from Boston, Mass.

PRODUCT: 75 cans of olive oil at Portland, Maine.

LABEL, IN PART: "One Full Gallon Pure Imported Olive Oil."