

**LIBELED:** 12-23-58, E. Dist. Pa.

**CHARGE:** 402(a)(3)—contained insects, rodent urine, and rodent excreta; and 402(a)(4)—held under insanitary conditions.

**DISPOSITION:** 1-26-59: Default—destruction.

**25444. Peanut butter.** (F.D.C. No. 42456. S. Nos. 39-387/8 P.)

**INFORMATION FILED:** 1-27-59, N. Dist. Calif., against Phillips Products Corp., t/a Puritan Preserve Co., San Francisco, Calif., and John S. Phillips, president.

**ALLEGED VIOLATION:** On 2-11-55, the defendant gave to a firm engaged in the business of shipping foods in interstate commerce, a guaranty to the effect that all food products shipped or delivered by the defendant to the holder of the guaranty would be neither adulterated nor misbranded within the meaning of the Federal Food, Drug, and Cosmetic Act.

On 2-27-58 and 3-3-58, the defendants caused to be delivered to the holder of the guaranty, at San Francisco, Calif., a number of jars of peanut butter which was adulterated.

**CHARGE:** 402(a)(4)—prepared and packed under insanitary conditions.

**PLEA:** Nolo contendere—by the corporation to both counts of the information, and by the individual to the count involving the delivery made on 2-27-58.

**DISPOSITION:** 5-20-59. Corporation—\$500 fine; Individual—probation for 6 months.

## OILS AND FATS

**25445. Table and cooking oil.** (F.D.C. No. 42758. S. No. 47-604 P.)

**QUANTITY:** 161 cases, 6 1-gal. cans each, 59 cases, 12 ½-gal. cans each, and 12 cases, 24 1-qt. cans each, at Boston, Mass., in possession of East Coast Enterprises, Inc.

**SHIPPED:** The ingredients of the article were shipped from outside the State of Massachusetts.

**LABEL IN PART:** "Virginia Brand Fine Oil This can contains High Grade Domestic Vegetable Oil - Pure Olive Oil \* \* \* Distributed by Genoa Packing Co., Cambridge, Mass."

**RESULTS OF INVESTIGATION:** Examination showed that the article was composed of cottonseed oil with little or no olive oil.

**LIBELED:** 1-5-59, Dist. Mass.

**CHARGE:** 402(b)(1)—while held for sale, a valuable constituent, olive oil, had been in part omitted from the article; 403(a)—the label statement "Pure Olive Oil" was false and misleading as applied to a product which contained cottonseed oil with little or no olive oil; and 403(i)(2)—the article was fabricated from two or more ingredients, and its label failed to bear the common or usual name of each such ingredient.

**DISPOSITION:** 2-9-59. Consent—claimed by East Coast Enterprises, Inc., and relabeled.

**25446. Table and cooking oil.** (F.D.C. No. 42692. S. No. 17-523 P.)

**QUANTITY:** 1,500 gals. in bulk at Toledo, Ohio.

**SHIPPED:** 5-8-58 and 8-9-58, from Fort Worth, Tex.

**LIBELED:** 2-12-59, N. Dist. Ohio.

**CHARGE:** 402(a)(2)—while held for sale, the article contained an added poisonous or deleterious substance which is unsafe within the meaning of

406, since this substance is not required in the production of the food and can be avoided by good manufacturing practice; 402(b)(2)—mineral oil had been substituted in whole or in part for edible oil; and 402(b)(4)—mineral oil had been added to the article or mixed therewith so as to increase its bulk and reduce its quality.

DISPOSITION: 3-13-59. Default—destruction.

**25447. Table and cooking oil. (F.D.C. No. 42887. S. No. 47-386 P.)**

QUANTITY: 8 cases, 6 1-gal. cans each, at Boston, Mass.

SHIPPED: The cottonseed oil and olive oil ingredients of the article were shipped from outside the State of Massachusetts, and after their receipt by the Cara-Donna Olive Oil Co., at Boston, Mass., were used in the manufacture of the article.

LABEL IN PART: (Can) "Family Oil High Grade Brand \* \* \* Cara-Donna Oil Company, Boston, Mass. \* \* \* Vegetable oil with 10% Imported Olive Oil," or "Fine Table Oil \* \* \* Vegetable Oils with 10% Pure Imported Olive Oil Di Lusso Brand \* \* \* Cara-Donna Olive Oil Co. Boston, Mass."

RESULTS OF INVESTIGATION: Examination showed the article to be cottonseed oil with little or no olive oil.

LIBELED: 3-16-59, Dist. Mass.

CHARGE: 402(b)(1)—while held for sale, a valuable constituent, olive oil, had been in part omitted from the article; 403(a)—the label statement "10% Imported Olive Oil" was false and misleading; and 403(i)(2)—the article was fabricated from two or more ingredients, and it failed to bear a label containing the common or usual name of each such ingredient.

DISPOSITION: 4-30-59. Default—delivered to a charitable institution for its use and not for sale.

## SPICES, FLAVORS, AND SEASONING MATERIALS

**25448. Sesame seed. (F.D.C. No. 42997. S. No. 40-684 P.)**

QUANTITY: 64 100-lb. bags at San Francisco, Calif., in possession of H. G. Walters Co.

SHIPPED: 7-9-58 and 9-24-58, from Nicaragua.

LIBELED: 5-6-59, N. Dist. Calif.

CHARGE: 402(a)(3)—contained rodent urine, insects, and insect excreta; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: 5-15-59. Consent—claimed by Lastreto Phillips Commercial Co., Inc., San Francisco, Calif. Segregated; 114 lbs. denatured.

**25449. Cardamom seed. (F.D.C. No. 42966. S. No. 48-322 P.)**

QUANTITY: 10 100-lb. bags at San Francisco, Calif.

SHIPPED: 10-23-58, from Guatemala.

LIBELED: 4-8-59, N. Dist. Calif.

CHARGE: 402(a)(3)—contained insects and moldy seeds while held for sale; and 403(a)—the label statement "Clean Coffee" was false and misleading as applied to an article consisting of whole cardamom seed in the hull.

DISPOSITION: 4-21-59. Consent—claimed by H. M. Newhall & Co., San Francisco, Calif. Segregated; 291 lbs. destroyed.