

483. Adulteration of peanut butter. U. S. v. 9 Cases and 35 Cases of Peanut Butter. Default decree of condemnation and destruction. (F. D. C. No. 1236. Sample No. 87299-D.)

This product contained sand and clay.

On December 28, 1939, the United States attorney for the Western District of South Carolina filed a libel against 44 cases of peanut butter at Greenville, S. C., alleging that the article had been shipped in interstate commerce on or about November 21, 1939, by the Newton Products Co. from Atlanta, Ga.; and charging that it was adulterated in that it contained sand and clay, and was otherwise unfit for food. It was labeled in part: "Jolly Good Peanut Butter."

On February 7, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

484. Adulteration of peanut butter. U. S. v. 164 Cartons and 75 Cases of Peanut Butter. Default decrees of condemnation and destruction. (F. D. C. Nos. 1031, 1077. Sample Nos. 47774-D, 47775-D, 47776-D, 78534-D.)

Samples taken from one shipment of this product were found to contain dirt; those taken from the other shipment were found to contain dirt, insect fragments, and rodent hairs.

On November 20 and 24, 1939, the United States attorney for the Southern District of West Virginia filed libels against 164 cartons of peanut butter at Bluefield, W. Va., and 75 cases of peanut butter at Mullens, W. Va., alleging that the article had been shipped in interstate commerce on or about September 18 and October 2, 1939, by Old Reliable Peanut Co. from Suffolk, Va.; and charging that it was adulterated in that it contained filthy, putrid, and decomposed substances, and was otherwise unfit for food. It was labeled in part: "Golden Tint Brand Peanut Butter."

On January 27, 1940, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

485. Adulteration of peanut butter. U. S. v. 134 Cases, 49 Cases, and 85 Cases of Peanut Butter (and 5 other seizure actions against the same product). Default decrees of condemnation and destruction. (F. D. C. Nos. 1287, 1293, 1294, 1383, 1432, 1474. Sample Nos. 61455-D, 61456-D, 61457-D, 61641-D, 61642-D, 61643-D, 61795-D, 61796-D, 62001-D, 62500-D, 64956-D.)

This product contained sand and dirt. Insect fragments and excreta, rodent excreta, and rodent hairs were also found in samples taken from certain lots.

Between January 5 and February 15, 1940, the United States attorneys for the Southern District of Mississippi, Western and Eastern Districts of Louisiana, and the Middle District of Tennessee filed libels against the following lots of peanut butter: 268 cases at Gulfport, Miss.; 173 cases at Shreveport, La.; 225 cases at New Orleans, La.; and 199 cases at Nashville, Tenn. (the libel filed in the Middle District of Tennessee was amended on February 21, 1940), alleging that the article had been shipped in interstate commerce within the period from on or about September 19 to on or about November 22, 1939, by J. D. Johnston, Jr., Co. from Brundidge, Ala.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance. The article was labeled in part: (Jars) "Johnston's * * * Peanut Butter * * * Packed by J. D. Johnston Jr., Co.;" or "Sunrayed Brand Peanut Butter * * * Packed by Southern Foods Brundidge, Ala."

Between February 21 and March 18, 1940, no claimant having appeared, judgments of condemnation were entered and the product, with the exception of one lot, was ordered destroyed. The product seized at Nashville, Tenn., was ordered sold as feed for animals or poultry.

OLIVE OIL

486. Adulteration and misbranding of olive oil. U. S. v. 10 Cases of Olive Oil. Default decree of condemnation and destruction. (F. D. C. No. 1284. Sample No. 83457-D.)

This product was labeled Italian olive oil but contained 50 percent or more of cottonseed oil, and it also was short of the declared volume.

On January 5, 1940, the United States attorney for the District of Oregon filed a libel against 10 cases of olive oil at Portland, Oreg., alleging that the article had been shipped in interstate commerce on or about December 13, 1939, by S. Trusso from Oakland, Calif.; and charging that it was adulterated and misbranded.

The article was alleged to be adulterated in that a substance, cottonseed oil, had been substituted in part therefor; in that inferiority had been concealed;

and in that cottonseed oil had been added thereto and mixed and packed there-with so as to reduce its quality or strength or to make it appear better or of greater value than it was.

It was alleged to be misbranded in that the following statements in the labeling were false and misleading when applied to an article that was short volume and that contained a great deal of cottonseed oil: (Can) "One gallon net Italian Product imported virgin olive Oil Superfine Brand Lucca Italy. Prodotto Italiano Olio D'Oliva Vergine Importato Sopraffino Lucca Italia. This Olive Oil is guaranteed to be absolutely pure under any chemical analysis. * * * Quest Olio D'Oliva E. Garantito Assolutamente Puro Soto Qualsiasi Analisi Chimica." It was alleged to be misbranded further in that it was offered for sale under the name of another article; and in that it was in package form and did not bear a label containing an accurate statement of the quantity of the contents.

On March 5, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

487. Misbranding of olive oil. U. S. v. 21 Cans of Olive Oil. Decree of condemnation and forfeiture. Product delivered to a charitable institution. (F. D. C. No. 1464. Sample Nos. 58760-D, 75634-D.)

Examination showed the containers of this product to be short of the declared volume.

On February 7, 1940, the United States attorney for the Southern District of Ohio filed a libel against 21 cans of olive oil at Cincinnati, Ohio, consigned on or about September 20, 1939, alleging that the article had been shipped in interstate commerce by R. Gerber & Co. from Chicago, Ill.; and charging that it was misbranded. The article was labeled in part: "Campanello Brand."

The article was alleged to be misbranded in that the statement on the label, "Contents One Gallon," was false and misleading since it was incorrect. It was alleged to be misbranded further in that it was in package form and did not bear an accurate statement of the quantity of the contents.

On March 15, 1940, no claimant having appeared, a decree of condemnation was entered and it was ordered that the product be delivered to a charitable institution on condition that the statement of the quantity of contents be obliterated.

CANDY

Nos. 488 to 492 report the seizure and disposition of candy which was in interstate commerce when examined and which was found to be insect-infested at that time.

488. Adulteration of candy. U. S. v. 11 Boxes and 26 Boxes of Candy. Default decree of condemnation and destruction. (F. D. C. Nos. 973, 974. Sample Nos. 58130-D, 58131-D.)

On November 21, 1939, the United States attorney for the District of Arizona filed a libel against 37 boxes of candy at Phoenix, Ariz., alleging that the article had been shipped by the Euclid Candy Co. of California, Inc., within the period from on or about April 21 to on or about June 28, 1939, in part from Los Angeles, and in part from San Francisco, Calif.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance. The article was labeled in part: "Euclid's Pecan Roll" or "Cardinal Bar."

On January 10, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

489. Adulteration of milk chocolate. U. S. v. 7 Boxes of Milk Chocolate. Default decree of condemnation, forfeiture, and destruction. (F. D. C. No. 743. Sample No. 58056-D.)

On October 18, 1939, the United States attorney for the District of Arizona filed a libel against seven boxes, each containing 26 bars of milk chocolate, at Douglas, Ariz., alleging that the article had been shipped in interstate commerce on or about December 24, 1938, by the Melster Candy Co. from Cambridge, Wis.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance. It was labeled in part: "Melsters Swiss * * * Milk Chocolate Melster Candies, Inc."

On January 8, 1940, no claimant having appeared, a decree of condemnation and forfeiture was entered and the product was ordered destroyed.